

**ATTACHMENT A**

**perSubtitle 20.6  
Shoreline Master Program**

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### Chapter 20.60 General Provisions

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#### **20.60.010 Title.**

Chapters 20.60 through 20.67 of the Medina Municipal Code, in combination with Sub-element 2.1 of the Medina Comprehensive Plan, shall be known as, and may be cited as, the "Medina Shoreline Master Program."

#### **20.60.020 Introduction.**

The Shoreline Management Act of 1971 (Act) was adopted by the public in a 1972 referendum "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines."

A. The Act advances the following broad policies:

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1. Encourage water-dependent uses along the shoreline;
  2. Protect the resources and ecology of the shoreline; and
  3. Promote public access of the shoreline environment.
- B. The Act, and the City, recognizes the protection of private property rights while aiming to preserve the quality of unique shoreline resources.
- C. The primary purpose of the Act is to provide for the management and protection of shoreline resources by planning for reasonable and appropriate uses through a coordinated planning program between the state and local jurisdictions.

### **20.60.030 Purpose.**

The purpose of the shoreline master program is to:

- A. Carry out the responsibilities imposed by the Act;
- B. Promote the public health, safety and general welfare by guiding future development of shoreline resources within the City; and
- C. Comply with the Shoreline Master Program Guidelines set forth in Chapter 173-26 WAC.

### **20.60.040 Authority.**

Chapters 20.60 through 20.67 of the Medina Municipal Code are adopted under the authority of Chapter 90.58 RCW and Chapter 173-26 WAC.

### **20.60.050 Applicability.**

- A. The requirements of the shoreline master program apply to all uses and development occurring within the City's shoreline jurisdiction as defined in RCW 90.58.030 including:
  1. Lake Washington; and
  2. Areas extending landward 200 feet from the ordinary high water mark of Lake Washington.
- B. Shoreline jurisdiction shall not include buffer areas for wetlands or streams that occur within shorelines jurisdiction, except those buffers contained within lands extending landward 200 feet from the ordinary high water mark of Lake Washington.

### **20.60.060 Administration.**

- A. All uses and development proposals within the shoreline area should be evaluated in terms of the shoreline master program. All uses and development proposals, including those that do not require a permit, must comply with the policies and regulations established by the Act as expressed through the shoreline master program.
- B. The Director is vested with responsibility for administering the shoreline master program consistent with this shoreline master program and applicable provisions of the Act.
- C. No development may be undertaken or is authorized unless it is consistent with the policies and provisions of the shoreline master program and the Act.
- D. Shoreline permits, and shoreline exemptions, shall be processed in accordance with the requirements set forth in Chapter 20.80 MMC and the approval criteria specified for shoreline permits set forth in Chapters 20.70 through 20.72 MMC.

E. The Director shall notify and forward to the following agencies or persons within five days of the final approval of a shoreline permit and any shoreline variances or conditional uses granted:

1. The applicant;
2. The state Department of Ecology;
3. Any person who has submitted written comments on the application; and

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1. 4. Any person who has requested notification in writing prior to final approval of the permit.  
2. F. No work may commence on a site requiring a shoreline substantial development, shoreline  
3. variance, or shoreline conditional use permit until 21 days following the "date of filing" or  
4. until all review proceedings before the shoreline hearings board have terminated.  
5. 1. "Date of filing" for a substantial development permit is the date of actual receipt of the  
6. decision by the Department of Ecology.  
7. 2. "Date of filing" for a shoreline variance or shoreline conditional use permit shall mean the  
8. date the permit decision rendered by the Department of Ecology is transmitted by the  
9. department to the city and the applicant/proponent.

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### 20.60.070 Relationship to other plans and regulations.

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14 A. The Medina Comprehensive Plan provides the underlying planning framework within which  
15 the shoreline master program fits. The policies found in the Shoreline Management Sub-  
16 Element of the Comprehensive Plan are incorporated as an element of the shoreline master  
17 program.  
18 B. The shoreline master program shall apply as an overlay and in addition to: zoning, land use  
19 regulations, development regulations, and other regulations established by the City.  
20 C. In the event of a conflict between the regulations in this shoreline master program and any  
21 other applicable regulations of the City, the regulation that provides the greater protection of  
22 shoreline ecological functions and aquatic habitat shall prevail.

### 20.60.080 Interpretation.

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26 A. The Director is authorized to make written interpretations of the shoreline master program  
27 whenever necessary for clarification or to resolve a conflict within these regulations.  
28 Interpretations are a Type 1 decision processed pursuant to Chapter 20.80 MMC.  
29 B. Any person may submit a written request for an interpretation to the Director, or the Director  
30 may issue an interpretation on their own initiative.  
31 C. A request for an interpretation shall address the following decision criteria:  
32 1. The defined or common meaning of the word or words in the provision; and  
33 2. The general purpose of the provision as expressed in the section or chapter where the  
34 provision is found;  
35 3. The logical or likely meaning of the provision viewed in relation to the Act and the shoreline  
36 master program;  
37 4. Consistency with the policies and provisions set forth in Chapter 90.58 RCW, and  
38 Chapters 173-26 and 173-27 WAC;  
39 5. Consistency with the goals and policies set forth in the Shoreline Sub-Element of the  
40 Medina Comprehensive Plan; and  
41 6. Consistency with other elements of the shoreline master program.  
42 D. The Director shall consult with the Washington State Department of Ecology for consistency  
43 of the interpretation with the Act and the shoreline master program before issuing a written  
44 interpretation.  
45 E. A written interpretation shall have the effect and be enforced as if it is part of the shoreline  
46 master program.  
47 F. A record of all written interpretations shall be maintained by the City and be available for public  
48 inspection and copying during regular business hours.

### 20.60.090 Liberal construction.

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As provided in RCW 90.58.900, the Shoreline Management Act is exempted from the rule of strict construction; the Act and the shoreline master program shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the Act and the shoreline master program were enacted and adopted, respectively.

### **20.60.100 Violations and Penalties.**

Violation of any provision of the shoreline master program shall be subject to the enforcement provisions and penalties set forth in Chapter 1.15 MMC and WAC 173-27-240 through 173-27-310.

#### 20.60.110 Moratoria authority and requirements

A. The City has authority to adopt moratorium control or other interim control on development under RCW 90.58.590.

B. Before adopting the moratorium must:

a. Hold a public hearing on the moratorium or control;

b. Adopt detailed findings of fact that include, but are not limited to, justifications for the proposed or adopted actions and explanations of the desired and likely outcomes;

c. Notify the department of Ecology of the moratorium or control immediately after its adoption. The notification must specify the time, place, and date of any public hearing.

1. The public hearing must be held within sixty days of the adoption of the moratorium or control.

C. A moratorium or control adopted under this section may be effective for up to six months if a detailed work plan for remedying the issues and circumstances necessitating the moratorium or control is developed and made available for public review.

D. A Moratorium or control may be renewed for one or more six month period(s) if the City complies with the requirements in subsection (B) above before each renewal.

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A. Words in this shoreline master program used in the singular shall include the plural, and the plural shall include the singular, unless the context clearly indicates otherwise.

B. The definitions in this chapter shall apply to the shoreline master program and they should be used in conjunction with other definitions found in Title 20 MMC. However, these definitions are not intended to replace or alter similar definitions found elsewhere within the Medina Municipal Code except where specifically applied to the shoreline master program.

### **20.60.210 "A" definitions.**

A. "Act" means Chapter 90.58 RCW, the Shoreline Management Act of 1971, as hereafter amended.

B. "Accessory dwelling unit" means a dwelling unit subordinate to a single-family dwelling unit which:

a. Is located within the single-family dwelling unit; or

b. Is located within an accessory building as defined by the zoning code.

C. "Accessory structure, use or activity" means a structure or part of a structure, use, or activity, which is incidental and subordinate to a permitted principal use or building.

D. "Adult family home" means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are

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not related by blood or marriage to the person or persons providing the services provided, however, any limitation on the number of residents resulting from this definition shall not be applied if it prohibits the City from making reasonable accommodations to disabled persons in order to afford such persons equal opportunity to use and enjoy a dwelling as required by the Fair Housing Amendments Act of 1988, 42 U.S.C. 3604(f)(3)(b).

- E. "Agricultural activities" means agricultural uses and practices as defined in WAC 173-26.020 and amendments thereto.
- F. "Alternative energy facilities" means energy generating facilities using (a) wind; (b) solar energy; (c) geothermal energy; (d) or wave or tidal action where such facilities have noncommercial purposes, primarily supports the use that the facilities are accessory to, and comply with local development regulations.
- G. "Aquaculture" means the culture or farming of food fish, shellfish, or other aquatic plants and animals.
- H. "Aquaculture, accessory" means the noncommercial culture or farming of food fish, shellfish, or other aquatic plants and animals, which is located on the same lot of a principle use such as a single-family dwelling, and in which such activity does not produce noise, odors, or other impacts that negatively affect adjacent property owners enjoyment of their property.
- I. "Average grade level" means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure: In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

### 20.60.211 "B" definitions.

- A. "Bioengineering" means project designs or construction methods that use live woody vegetation or a combination of live woody vegetation and specially developed natural or synthetic materials to establish a complex root grid within the existing bank that is resistant to erosion, provides bank stability, and maintains a healthy riparian environment with habitat features important to fish life.
- B. "Boathouse" means an overwater structure with walls and a roof designed for the storage of boats, but does not include covered moorage.
- C. "Boat launch" means graded slopes, slabs, pads, planks, or rails used for launching boats by means of a trailer, hand, or mechanical device.
- D. "Boat lift" means any lift for motorized boats, kayaks, canoes and jet skis; including floating lifts that are designed to not contact the substrate of the Lake; ground-based lifts that are designed to be in contact with or supported by the substrate of the Lake; and suspended lifts that are designed to be affixed to the existing overwater structure with no parts contacting the substrate.
- E. "Breakwater" means a protective structure that is normally built offshore to provide protection from wave action.
- F. "Bulkhead" means a vertical or nearly vertical erosion protection structure placed parallel to and near the ordinary high water line and/ or the ordinary high water mark consisting of concrete, timber, steel, rock, or other permanent material for the purpose of protecting adjacent wetlands and uplands from waves and currents.
- G. "Buoys" means a floating object anchored in water used to mark a location, warn of danger, or indicate a navigational channel.

### 20.60.212 "C" definitions.

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- A. "Canopy" means a cover installed as a component of a boatlift.
- B. "Clearing" means cutting, grubbing or removing vegetation or other organic plant material by physical, mechanical, chemical or any other similar means. For the purpose of this definition of clearing, cutting means the severing of the main trunk or stem of woody vegetation at any point.
- C. "Covered moorage" means any structure having a roof, but not walls, that are permitted pursuant to MMC 20.65.100 to cover or shelter a moorage space or pier. This does not include boatlifts with a translucent canopy attached to the lift as provided for under MMC 20.65.120.
- D. "Covered moorage area" means the gross area of the roof of the covered moorage structure projected on the surface or surfaces below.
- E. "Critical Areas" means critical areas as defined in RCW 36.70A.030 and amendments thereto.

### 20.60.213 "D" definitions.

- A. "Deck" means a structure attached to a wall of a building designated, established, and/ or installed to provide outdoor living, cooking, and/ or recreation, some sides of which are open and which may or may not have a permanent overhead covering.
- B. "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulk heading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level.
- C. "Diameter breast height or DBH" means the diameter measurement in inches of the outside bark of a tree trunk, measured at four and one-half feet above the surrounding existing ground surface. The DBH for multi-trunk trees forking below the four and one-half foot mark is determined by measuring the diameter of the tree trunk at the narrowest part of the main stem below the tree fork. The DBH for multi-trunk trees splitting at ground level is determined by taking the square root of the sum of all squared stem DBHs.
- D. "Director" means the city manager or designee.
- E. "Dock" means a structure that floats on the surface of the water, without piling supports, and which may be attached to the shore or may be anchored to submerged land. Dock facilities may include wharves, boat moorage, swimming, public access, and other activities that require access to deep water.
- F. "Dolphin" means a spar, buoy or piling used for mooring watercraft.
- G. "Dredging" means the removal, displacement, or disposal of unconsolidated earth material such as sand, silt, gravel, or other submerged materials, from the bottom of water bodies, ditches, or natural wetlands; maintenance dredging and/or support activities are included in this definition.
- H. "Drip line, tree" means the area directly located under the outer circumference of the tree branches.
- I. "Dwelling" means a living space or combination of rooms designed to provide independent year-round living facilities for one family or household, including household staff and guest, constructed to the minimum standards of the Building or HUD Code, and with provisions for sleeping, eating and sanitation.
- J. "Dwelling, multi-family" means a residential structure containing two or more dwellings.
- K. "Dwelling, single-family" means a residential structure containing one dwelling.

### 20.60.214 "E" definitions.

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- A. "Ecological functions, shoreline ecological functions" means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments constituting the shoreline's natural ecosystem.
- B. "Ecosystem-wide processes" means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.
- C. "Ell" means a terminal pier section oriented perpendicular, diagonal or linear to the pier walkway.
- D. "Existing grade" means the ground elevation existing on the building site at the time an application for a building or other development permit is filed at the City.

### 20.60.215 "F" definitions.

- A. "Fair market value" of a development is the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.
- B. "Feasible" means an action, such as a development project, mitigation, or preservation requirement that meets all of the following conditions:
  - 1. Can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests that have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
  - 2. Provides a reasonable likelihood of achieving its intended purpose; and
  - 3. Does not physically preclude achieving the project's primary intended legal use.The burden of proving infeasibility is on the applicant in cases where these guidelines require certain actions. In determining an action's infeasibility, the City or the Department of Ecology may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.
- C. "Fill" means for the purpose of the shoreline master program the placement of soil, sand, rock, gravel, sediment, earth retaining structure or other material to an area waterward of the ordinary high water mark, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.
- D. "Finger" means a narrow pier section projecting from the pier walkway, typically perpendicular to the walkway and located landward of an ell in order to form the near-shore side of a boat-slip.
- E. "Float" means a structure that floats on the surface of the water that is not attached to the shore, but that may be anchored to submerged land. Floats are typically used for swimming, diving and similar recreational activities.
- F. "Float plane and helicopter moorage" means a facility where water-based aircraft and/ or helicopter are secured for moorage.
- G. "Forest practices" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber.
- H. "Freestanding fence or wall" means a structure located above grade that is intended to provide a barrier for privacy, security or safety.

### 20.60.216 "G" definitions.



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- 1 A. "Gabion" means a structure composed of masses of rocks or rubble held tightly together by
- 2 wire mesh (typically) so as to form upright blocks or walls.
- 3 B. "Geotechnical report" or "geotechnical analysis" means a scientific study or evaluation
- 4 conducted by a qualified expert that includes a description of the ground and surface
- 5 hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion,
- 6 and other geologic hazards or processes, conclusions and recommendations regarding the
- 7 effect of the proposed development on geologic conditions, the adequacy of the site to be
- 8 developed, the impacts of the proposed development, alternative approaches to the proposed
- 9 development, and measures to mitigate potential site-specific and cumulative geological and
- 10 hydrological impacts of the proposed development, including the potential adverse impacts to
- 11 adjacent and down-current properties. Geotechnical reports shall conform to accepted
- 12 technical standards and must be prepared by qualified professional engineers or geologists
- 13 who have professional expertise about the regional and local shoreline geology and
- 14 processes.
- 15 C. "Grading" means the movement or redistribution of the soil, sand, rock, gravel, sediment, or
- 16 other material on a site in a manner that alters the natural contour of the land.
- 17 D. "Grubbing" means to clear by digging up roots and or stumps.

### 20.60.217 "H" definitions.

- 21 A. "Height" is the vertical distance measured from the average grade level to the highest point of
- 22 a structure.
- 23 B. "Houseboat" means a structure designed and operated substantially as an overwater
- 24 residence. Houseboats are not vessels and lack adequate self-propulsion and steering
- 25 equipment to operate as a vessel.
- 26 C. "Horticultural activities" means cultivating plants, especially flowers, fruit, and vegetables, in
- 27 gardens or greenhouses.

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### 20.60.218 “I” definitions.

- A. “Impervious surface” means any hard surface area which either prevents or retards the entry of water into the soil mantle as it would otherwise enter under natural conditions preexisting to development, or any hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow as it would otherwise under natural conditions preexisting to development. Examples include impenetrable materials such as asphalt, concrete, brick, stone, wood and rooftops.

### 20.60.219 “J” definitions.

- A. “Joint-use or shared” means overwater structures that are constructed for private use by more than one property owner.

### 20.60.221 “L” definitions.

- A. “Land division” means the division or re-division of land into lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.
- B. “Land surface modification” means any movement or modification of earth material on any site.
- C. “Lot” means a measured piece of land having fixed boundaries and designated on a plot or survey.
- D. “Lot area” means the dry land area landward of the ordinary high water line.
- E. “Lot area, net” means the lot area exclusive of the area of any vehicular private lane, vehicular right-of-way, vehicular access easement, or any areas unbuildable due to the presence of critical areas as defined in Chapter 20.67 MMC.
- F. “Low impact development” means a set of techniques that mimic natural watershed hydrology by slowing, evaporating/ transpiring, and filtering water that allows water to soak into the ground closer to its source.

### 20.60.222 “M” definitions.

- A. “Marina” means a private or public facility providing the purchase and or lease of a slip for storing, berthing and securing motorized boats or watercraft, including both long-term and transient moorage.
- B. “Mining” means the removal of sand, gravel, soil, minerals, and other earth materials for commercial and other uses.
- C. “MMC” means Medina Municipal Code.
- D. “Moorage” means a place where a boat or vessel may be secured.
- E. “Moorage buoy” means a floating object anchored to provide a mooring place away from the shore.
- F. “Moorage pile” means a piling to which a boat is tied up to prevent it from swinging with changes of wind, waves or other similar functions.
- G. “Moorage structure” means those installations or facilities including piers, wharves, platforms, ramps, dolphins, buoys, quays, or bulkheads, or any place or structure connected with the shore or upon shorelands provided for the securing of a boat or waterborne craft.

### 20.60.223 “N” definitions.

- A. “Native plants” means plant species which are native to the Puget Sound lowlands.

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- B. "Natural or existing topography" means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.
- C. "Non-water oriented uses" means uses that are not water-dependent, water-related, or water-enjoyment.
- D. "Nonconforming structure" means a building or structure that does not comply with the required setbacks, height, structural coverage and other development requirements of the shoreline master program, but was lawfully constructed prior to the effective date of the Act or shoreline master program or subsequent amendments thereto and was continually maintained in accordance with MMC 20.66.090. This term applies whether or not the nonconformity was permitted by a variance.
- E. "Nonconforming use" means any activity, development, or condition that by the shoreline master program is not permitted outright or permitted as an accessory use, or is not permitted by a conditional use permit or other special permitting process; but was lawfully created prior to the effective date of the Act or shoreline master program or subsequent amendments thereto and was continually maintained in accordance with MMC 20.66.090. A nonconforming use may or may not involve buildings or structures and may involve part of, or all of, a building or property.

### 20.60.224 "O" definitions.

- A. "Ordinary high water line" is obtained from the U.S. Army Corps of Engineers and typically means an elevation of approximately 21.8 for Lake Washington above sea level based on the National Geodetic Vertical Datum (NGVD) of 1929. This elevation must be converted to the North American Vertical Datum of 1988 (NAVD88) per City of Bellevue control points within the City of Medina and typically means an elevation of approximately 18.7 feet above sea level.
- B. "Ordinary high water mark" means on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the City or Department of Ecology; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the line of mean high water.
- C. "Outfall" means a structure used for the discharge of stormwater or sewer system into a receiving water.

### 20.60.225 "P" definitions.

- A. "Patio" means a hard surfaced area of the ground beyond a building designed, established and/ or installed to provide for outdoor living, cooking and recreation, some sides of which are open and which may or may not have a permanent overhead covering.
- B. "Pervious" means, as opposed to impervious surfaces, these are surfaces that allow water to pass through at rates similar to pre-developed conditions or better. Pervious surfaces, include, but are not limited to: pervious asphalt, pervious concrete, pervious gravel, grass or pervious pavers.
- C. "Pier" means a platform built on pilings or similar structures that projects over, and is raised above the water and is attached to land, and that is used for boat moorage, swimming, fishing, public access, or similar activities requiring access to deep water.
- D. "Piling" means the structural supports for piers, usually below the pier decking and anchored in the water.

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- E. "Provisions" means policies, regulations, standards, guideline criteria or environment designations.
- F. "Public access" means the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline.
- G. "Public interest" means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development;

### 20.60.226 "Q" definitions.

- A. "Qualified Professional" means a person with relevant education, experience and training, as determined by the City, in biological fields such as botany, fisheries, wildlife, soils, ecology, and similar areas of specialization.

### 20.60.227 "R" definitions.

- A. "Reconstruction" as prescribed in MMC 20.66.090 means to undertake construction within and/ or on an existing building or structure which has a valid construction permit with fair-market construction costs greater than 60 percent of the replacement cost of the existing building or structure being rebuilt. All project phases necessary to result in a habitable building must be included. The construction cost shall be valid for a period beginning on the date of permit issuance and ending 18 months after the date the permit is finalized by the City.
- B. "Replacement cost" as prescribed in MMC 20.66.090 means the square footage of the structure multiplied by local building costs per square foot, or a similar method of calculation.
- C. "Repair" means to restore something broken or damaged to good condition.
- D. "Recreational uses" means facilities designed consistent with MMC 20.64.020 and used to provide recreational opportunities to the public.
- E. "Residential use" means development in which people sleep and prepare food, other than developments used for transient occupancy. As used in the shoreline master program residential development includes single-family development (known as detached dwelling unit) and the creation of new residential lots through land division.
- F. "Restore," "restoration" or "ecological restoration" means the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, re-vegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.
- G. "Replacement" means a new structure or development that is comparable to the original structure or development including but not limited to its size, shape, configuration, location, and external appearance.
- F.H. "Retaining wall" a structure upland of the ordinary high water mark designed to support soil at a steeper angle than the soil could stand on its own.

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### 20.60.228 "S" definitions.

- A. "Shoreline areas" and "shoreline jurisdiction" means all "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.
- B. "Shorelines" means all of the water areas of the state, including reservoirs, and their associated shorelands together with the lands underlying them: except (i.) shorelines of statewide significance; (ii.) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with

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such upstream segments; and (iii.) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

C. "Shoreline Master Program" means the Medina Shoreline Master Program adopted pursuant to RCW 90.58 and WAC 173-26.

D. "Shoreline modifications" means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

E. "Shoreline setback" means the distance measured in feet that a structure or improvement must be located from the ordinary high water line of Lake Washington.

F. "Shoreline stabilization" means for protecting shoreline upland areas and shoreline uses from the effects of shoreline wave action, flooding or erosion. Shoreline stabilization can be separated into the following categories:

1. "Nonstructural" includes the planting or re-planting of native vegetation, beach enhancement and similar non-structural measures;

2. "Structural" includes the use of structures such as bulkheads, revetments, cribs, and gabions made of hard materials such as stone, concrete or timber;

3. "Bioengineering" includes the use of vegetation, both through planting and for structural purposes such as live staking, brush layering, and brush matting;

4. "Biotechnical measures" includes the combination of bioengineering approaches with some degree of structural design such as matting or vegetated gabion walls or mattresses, vegetated cribbing, vegetated rip rap, or keyed native toe-boulders.

G. "Shoreline stabilization, hard structural" means shoreline erosion control practices using hardened structures that armor and stabilize the shoreline from further erosion. Hardening materials typically include concrete, boulders, dimensional lumber or similar materials.

H. "Shoreline stabilization, soft structural" means shoreline erosion control practices that contribute to restoration, protection or enhancement of shoreline ecological functions such as the use of bioengineering and biotechnical measures.

I. "Shoreline habitat and restoration" means activities conducted for the purpose of establishing, restoring, or enhancing habitat for priority species in shorelines.

J. "Significant vegetation removal" means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect shoreline ecological functions, does not constitute significant vegetation removal.

K. "Structure" means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

L. "Substantial destruction" as prescribed in MMC 20.66.090 means to remove more than 60 percent of the existing exterior wall framing of a building or structure, as measured by the horizontal linear length of all exterior walls. Any partial removal of existing framing shall count towards the measurement of horizontal linear length the same as if the entire framing within that horizontal linear length was removed, except partial removal shall not include replacement of windows or doors when no beams or struts are removed.

### 20.60.229 "T" definitions.

A. "Tram" means an electrically driven transport vehicle that runs on rails, overhead cables, or similar structure to move passengers and goods up and down a hillside.

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- 1  
2  
3 A. "Utilities" means services, facilities and infrastructure that produce, transmit, carry, store,  
4 process or dispose of electric power, gas, water, sewage, communications, oil, storm water,  
5 and similar services and facilities.  
6

### 20.60.231 "V" definitions.

- 7  
8  
9 A. "Vessel" includes ships, boats, barges or any other floating craft which are designed and used  
10 for navigation and do not interfere with the normal public use of the water.  
11

### 20.60.232 "W" definitions.

- 12  
13  
14 A. "Wall Framing," as prescribed in MMC 20.66.090, means the assemblage of beams and struts  
15 that provide a support structure to which interior and exterior wall coverings are attached.  
16 Wall framing shall not include the horizontal ceiling joists and sloping rafters used for the roof.  
17 B. "Water-dependent use" means a use or portion of a use which cannot exist in a location that  
18 is not adjacent to the water and which is dependent on the water by reason of the intrinsic  
19 nature of its operations.  
20 C. "Water-enjoyment use" means a recreational use or other use that facilitates public access to  
21 the shoreline as a primary characteristic of the use; or a use that provides for recreational use  
22 or aesthetic enjoyment of the shoreline for a substantial number of people as a general  
23 characteristic of the use and which through location, design, and operation ensures the  
24 public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify  
25 as a water-enjoyment use, the use must be open to the general public and the shoreline-  
26 oriented space within the project must be devoted to the specific aspects of the use that  
27 fosters shoreline enjoyment.  
28 D. "Waterfront structure" means any structure built at or along the shoreline or over the  
29 shorelands and including particularly bulkheads and moorage facilities.  
30 E. "Water frontage" means the extent of land abutting water as measured pursuant to MMC  
31 20.63.050(A)(2)(c).  
32 F. "Water-oriented use" means a use that is water-dependent, water-related, or water-  
33 enjoyment, or a combination of such uses.  
34 G. "Water quality" means the physical characteristics of water within shoreline jurisdiction,  
35 including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and  
36 biological characteristics. Where used in this chapter, the term "water quantity" refers only to  
37 development and uses regulated under this chapter and affecting water quantity, such as  
38 impermeable surfaces and storm water handling practices. Water quantity, for purposes of  
39 this chapter, does not mean the withdrawal of groundwater or diversion of surface water  
40 pursuant to RCW 90.03.250 through 90.03.340.  
41 H. "Water-related use" means a use or portion of a use which is not intrinsically dependent on a  
42 waterfront location but whose economic viability is dependent upon a waterfront location  
43 because:  
44 1. The use has a functional requirement for a waterfront location such as the arrival or  
45 shipment of materials by water or the need for large quantities of water; or  
46 2. The use provides a necessary service supportive of the water-dependent uses and the  
47 proximity of the use to its customers makes its services less expensive and/or more  
48 convenient.  
49 I. "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or  
50 ground water at a frequency and duration sufficient to support, and that under normal  
51 circumstances do support, a prevalence of vegetation typically adapted for life in saturated

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- 1 soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.  
2 Wetlands do not include those artificial wetlands intentionally created from non-wetland sites,  
3 including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals,  
4 detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or  
5 those wetlands created after July 1, 1990, that were unintentionally created as a result of the  
6 construction of a road, street, or highway. Wetlands may include those artificial wetlands  
7 intentionally created from non-wetland areas created to mitigate conversion of wetlands.  
8 J. "Wireless communication facilities" means the same as given in MMC 20.12.240.

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### Chapter 20.61 Shoreline Environment Designations

#### Sections:

- |           |                                                      |
|-----------|------------------------------------------------------|
| 20.61.010 | Establishment of shoreline environment designations. |
| 20.61.020 | Shoreline jurisdiction and shoreline map.            |
| 20.61.030 | Residential environment                              |
| 20.61.040 | Urban conservancy environment.                       |
| 20.61.050 | Aquatic environment.                                 |
| 20.61.060 | Transportation environment.                          |

#### **20.61.010 Establishment of shoreline environment designations.**

Medina's shoreline is divided into the following shoreline environment designations based upon the designation criteria prescribed by this chapter:

- A. Residential;
- B. Urban Conservancy;
- C. Transportation; and
- D. Aquatic.

#### **20.61.020 Shoreline jurisdiction and shoreline map.**

The Shoreline Environment Designation Map set forth in Figure 20.61.020 is a graphic representation of Medina's shorelines regulated by the shoreline master program and shall serve as the official shoreline map assigning shoreline environment designations to properties subject to the following:

- A. The boundaries depicted on the map are approximate location and extent of the shoreline jurisdiction with additional site-specific evaluation required to confirm and/ or verify actual boundaries of the shoreline jurisdiction; and
- B. Property lines shall be used for interpreting the boundaries of the shoreline environment designations, except for the aquatic environment, which is interpreted using the ordinary high water mark.

#### **20.61.030 Residential environment.**

##### A. Purpose.

- 1. The purpose of the Residential environment designation is to accommodate single-family residential development and appurtenant structures that are consistent with shoreline master program.
- 2. A secondary purpose is to provide, where appropriate, public access and recreational uses.

##### B. Designation Criteria.

- 1. Areas designated Residential on the shoreline map includes those areas adjacent to Lake Washington that are zoned residential and developed with single-family residences or vacant, and where single-family residences are anticipated to continue in the future.
- 2. This designation shall apply to areas that are upland from the ordinary high water mark.



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### 20.61.040 Urban conservancy environment.

- A. Purpose. The purpose of the Urban Conservancy environment designation is to protect and restore shoreline ecological functions of open space and other sensitive lands while allowing a variety of compatible uses.
- B. Designation Criteria. Areas designated Urban Conservancy on the shoreline map are areas appropriate and planned for development that is compatible with maintaining or restoring shoreline ecological functions of the area, which are not generally suitable for water-dependent uses, where any of the following characteristics apply:
1. They are suitable for water-related or water-enjoyment uses;
  2. They are open space, flood plain or other sensitive areas that should not be more intensively developed;
  3. They have potential for ecological restoration;
  4. They retain important shoreline ecological functions, even though partially developed; or
  5. They have the potential for development that is compatible with ecological restoration.
- C. Locations. Areas designated as Urban Conservancy include:
1. Medina Beach Park landward of the ordinary high water mark;
  2. Lake Lane (Fairweather Bay off of N.E. 78<sup>th</sup> Place) landward of the ordinary high water mark;
  3. South end of 84<sup>th</sup> Avenue N.E. landward of the ordinary high water mark near View Point Park;
  4. Privately-owned, joint-use shoreline recreational lots, including:
    - a. Recreation Tract X conveyed by Lynn Short Plat;
    - b. Park Tracts B and C of Lake Crest Park Division 2 (73<sup>rd</sup> Avenue N.E.);
    - c. Tract A of Edgecliff Plat;
    - d. Parcel 194230-0044, Dehn's Addition Vacated;
    - e. Conservation Tract (1000 Block of Evergreen Point Road);
    - f. Community Beach and Road Tract (7700 Block of Overlake Drive West);
  5. Areas not otherwise designated with a shoreline environment designation.

### 20.61.050 Aquatic environment.

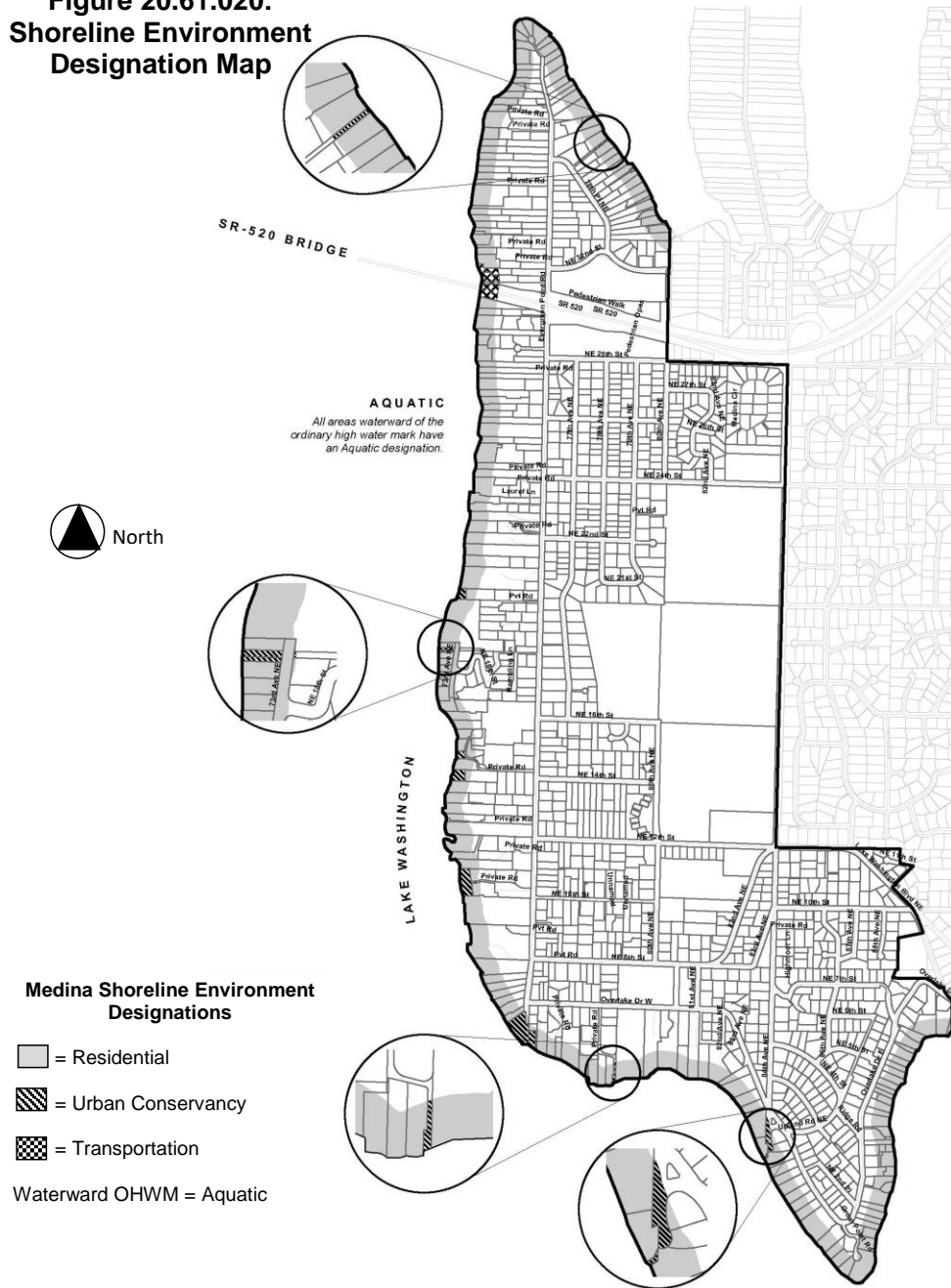
- A. Purpose. The purpose of the Aquatic environment designation is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark.
- B. Designation Criteria. All areas including and waterward of the ordinary high water mark are designated as Aquatic environment.

### 20.61.060 Transportation environment.

- A. Purpose. The purpose of the Transportation environment designation is to accommodate the infrastructure necessary for the SR 520 floating bridge and highway. A secondary purpose is to ensure those areas not needed for ongoing operations are considered for potential public access and habitat enhancement uses.
- B. Designation Criteria. Areas designated Transportation on the shoreline map and are owned by Washington State Department of Transportation for the use and associated uses of State Route 520.

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**Figure 20.61.020:  
Shoreline Environment  
Designation Map**



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### Chapter 20.62 Shoreline Use Regulations

#### Sections:

20.62.010	Applicability.
20.62.020	Permitted uses, prohibited uses.
<u>20.62.030</u>	<u>Developments not required to obtain shoreline permits or local reviews.</u>
<del>20.62.030</del> <u>20.62.040</u>	Use table.

#### **20.62.010 Applicability.**

This chapter applies to specific uses and types of development that typically occur in shoreline areas. This chapter is applied in conjunction with other provisions found elsewhere in the shoreline master program.

#### **20.62.020 Permitted uses, prohibited uses.**

Uses within the shoreline jurisdiction are subject to the following:

- A. Uses listed with a "P" in Table 20.62.030 are permitted, subject to a substantial development permit or shoreline exemption;
- B. Uses listed with a "CU" in Table 20.62.030 are conditionally permitted, subject to approval of a shoreline conditional use permit;
- C. Uses listed with an "X" in Table 20.62.030 are prohibited;
- D. Uses not listed in the table, may be authorized as a conditional use provided the review criteria in WAC 173-27-160, as hereafter amended, are satisfied;
- E. Review procedures for deciding project permits are found in Chapters 20.70 through 20.72 MMC.

#### **20.62.030 Developments not required to obtain shoreline permits or local reviews**

Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following, per WAC 173-27-044 and WAC 173-27-045:

- A. Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW.
- B. Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.
- C. WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other local review.
- D. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.
- E. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

#### ~~20.62.030~~20.62.040 Use table.

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Table 20.62.0430 establishes those uses which are permitted, those uses requiring special approval, and those uses that are prohibited within each shoreline environment designation.

**Table 20.62.0430 Shoreline Use Table\***

Shoreline Use	Shoreline Residential	Urban Conservancy	Aquatic	Transportation
<b>Residential Use</b>				
Accessory dwelling unit	P	P	X	X
Accessory buildings/-uses located on the same lot as a single-family dwelling other than specifically listed in the table	P	P	X	X
Adult family home	P	P	X	X
Detached single-family dwelling	P	P	X	X
Manufactured home	P	P	X	X
Multi-family dwellings (2 attached units or more)	X	X	X	X
<b>Commercial Use</b>				
Accessory home business	P	P	X	X
Water-oriented uses other than specifically listed in the table	X	X	X	X
Non-water-oriented uses other than specifically listed in the table	X	X	X	X
<b>Industrial Uses</b>				
Water-oriented uses	X	X	X	X
Non-water-oriented uses	X	X	X	X
<b>Transportation &amp; Parking Uses</b>				
Parking facilities – primary	X	X	X	X
Parking facilities – accessory	Same as the primary use it supports			
Local transportation including roads, bicycle and pedestrian facilities related to permitted shoreline activity	P	P	X	P
State transportation facilities including bridge and associated support facilities	X	X	CU	CU
<b>Utilities</b>				
Solid waste disposal, transfer sites, electrical substations and similar primary utility facilities	X	X	X	X
Local public water, electrical, natural gas distribution, public sewer collection, cable and telephone distribution, and associated appurtenances	P	P	CU	P
Alternative energy facilities - accessory to a permitted use	P	P	CU	P
Wireless communication facilities	X	P	X	P

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Resource Land				
Agricultural activities	X	X	X	X
Aquaculture other than those specifically listed in the table	X	X	X	X
Aquaculture – accessory	P	P	P	P
Forest practices	X	X	X	X
Mining	X	X	X	X
Recreational Uses				
Public parks and associated park improvements (landward of the ordinary high water mark)	P	P	X	P
Public piers and docks	P	P	P	P
Public swimming beach and public recreational uses	P	P	P	P
Any water-enjoyment recreational development other than those specifically listed in the table	CU	CU	CU	CU
Non-water-oriented recreational development	X	X	X	X
Boating Uses & Facilities				
Boat launch motorized/ non-motorized	X	CU	CU	CU
Boathouse	X	X	X	X
Buoys for vessel moorage	X	X	X	X
Buoys not for vessel moorage	P	P	P	P
Launching Rails	X	X	X	X
Marina (all)	X	X	X	X
Moorage, dock space, buoys and other facilities for floatplanes and helicopters	X	X	X	X
Piers, docks, boat lifts, moorage pilings and covered moorage	P	P	P	P
Temporary moorages used for vessels supporting construction activity	P	P	P	P
Shoreline Modifications				
Breakwaters/ jetties/ rock weirs/ groins	X	CU	CU	CU
Breakwaters/ jetties/ rock weirs/ groins used with restoration activities	P	P	P	P
Dredging for maintenance of existing private or public moorage	P	P	P	P
Maintenance dredging of established navigation channels and basins	P	P	P	P
Dredging establishing, expanding, or relocating or reconfiguring navigation channels and basins	P	P	P	P
Dredging for fill material associated with MTCA or CERCLA habitat restoration project	P	P	P	P
Dredging for fill material with other significant habitat enhancement project	CU	CU	CU	CU
Dredging other than those specifically listed in the table	X	X	X	X
Fill waterward of the ordinary high water mark	CU	CU	CU	CU
Fill waterward of the ordinary high water mark which is part of an environmental restoration plan or required mitigation	P	P	P	P

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Land surface modification	P	P	P	P
Shoreline habitat and restoration activities	P	P	P	P
Shoreline stabilization	P	P	P	P
<b>Miscellaneous Uses</b>				
Accessory noncommercial horticultural activities	P	P	X	P
City government facilities	CU	P	X	P
Non-water-oriented uses other than those specifically listed in the table	X	X	X	X
Scientific, historical, cultural, or educational uses	P	P	P	P
Trams providing access in steep slope areas	P	P	X	P
Trams other than specifically listed in the table	X	X	X	X
*See explanation of "P", "CU" and "X" in MMC 20.62.020				

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### Chapter 20.63 Shoreline General Development Standards

#### Sections:

- 20.63.010 General provisions.
- 20.63.020 Maximum impervious surface.
- 20.63.030 Shoreline setbacks from Lake Washington.
- 20.63.040 Maximum height.
- 20.63.050 Development standards for divisions of land and lot line adjustments.
- [20.63.060 Shoreline restoration projects.](#)

#### 20.63.010 General provision.

- A. The requirements in this chapter apply when a property owner or their representative initiates new development or redevelopment on their property.
- B. Existing uses and/ or conditions not in compliance with the requirements of this chapter may continue unaffected subject to the limitations for nonconformity prescribed by the shoreline master program.

#### 20.63.020 Maximum impervious surface.

- A. The total impervious surface on a lot, including structures, shall not exceed the standards set forth in Table 20.63.020.
- B. The pertinent maximum impervious surface standard is determined based upon the lot area in Table 20.63.020 and the corresponding shoreline environment designation.
- C. Compliance with maximum impervious surface is determined as a percentage using the total impervious surface on the lot divided by the lot area including lot areas outside of the shoreline jurisdiction.

**Table 20.63.020 Maximum Impervious Surface**

Lot Area (Square feet)	Shoreline Residential	Urban Conservancy	Aquatic	Transportation
16,000 and less	55.0%	30%	Not Applicable	80%
16,001 to 29,999	52.5%			
30,000 and greater	50.0%			

#### 20.63.030 Shoreline setbacks from Lake Washington.

This section establishes the minimum shoreline setback requirements from Lake Washington.

- A. Shoreline setbacks shall be determined in the following manner:
  - 1. Where the map in Figure 20.63.030(A) designates a 30-foot shoreline setback, the minimum setback shall be 30 feet;
  - 2. Where the map in Figure 20.63.030(A) designates a 30-foot shoreline setback with enhancements, the minimum setback shall be:
    - a. 30 feet if enhancements set forth in MMC 20.63.030(F) are provided; or

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- b. 50 feet if enhancements set forth in MMC 20.63.030(F) are not provided;
3. Where the map in Figure 20.63.030(A) designates a 50-foot shoreline setback, the minimum setback shall be 50 feet;
4. Where the map in Figure 20.63.030(A) designates a stringline setback, the minimum setback shall be the distance to the stringline established pursuant to MMC 20.63.030(D); and
5. Exceptions to shoreline setbacks are allowed pursuant to MMC 20.63.030(C);
- B. The shoreline setback is measured as:
  1. The distance between the ordinary high water line to the closest point of any part of a building or structure; and
  2. The measurement is taken on a horizontal plane landward from the ordinary high water line in the direction that results in the greatest distance of the building or structure being setback from the ordinary high water line.
- C. The following structures are allowed to protrude into a shoreline setback provided the structure is constructed and maintained in a manner where adverse impacts to shoreline ecological functions are avoided, or if that is not possible, the impacts are minimized and then mitigated for:
  1. Pedestrian walkways, provided the total impervious surface is the minimum reasonably necessary to provide access to the shoreline;
  2. Those parts of water-dependent development that require improvements to be adjacent to the water's edge, such as boat ramps and similar structures, but not including cabanas, changing rooms, covered patios, or similar types of sheltered structures;
  3. Facilities for public access to the water and similar water-enjoyment recreational uses;
  4. Utilities which are located underground, except as required otherwise by Chapter 20.67 MMC, and are accessory to a shoreline use;
  5. Low Impact Development, Bio-retention swales, rain gardens, and other similar bio-retention systems that allow filtration of water through vegetation;
  6. Infiltration systems for surface water, such as vaults and similar structural improvements, where installation occurs as far from the ordinary high water line as feasible;
  7. Uncovered decks and patios provided:
    - a. No part of the structure exceeds 30 inches in height above the existing grade;
    - b. No part of the structure is less than 30 feet from the ordinary high water line provided:
      - i. Native vegetation is planted at a 1:1 ratio of the net increase in new surface area of all decks, patios, and similar improvements located less than 50 feet from the ordinary high water line; and
      - ii. The planting plan is consistent with the requirements in MMC 20.63.030(F)(1)(a) and (b); or
      - iii. An alternative planting plan may be accepted provided the plan is consistent with the requirements in MMC 20.63.030(F)(2);
    - c. Total surface area does not exceed 500 square feet inside of the setback area for all decks, patios and similar improvements;
    - d. Materials allow water to easily pass through to the ground (example: wood decking with gaps between the boards and pervious ground surface below); and
    - e. Within the 70 to 125-foot stringline setback area, the requirements set forth in MMC 20.63.030(C)(7)(b) and (c) are modified to allow uncovered decks and patios to:
      - i. Protrude into the shoreline setback area provided no part of the structure is closer than 50 feet from the ordinary high water line; and
      - ii. The total surface area of decks, patios and similar improvements inside of the setback area does not exceed 15 percent of the total shoreline setback area;
  8. Small outdoor fire pits, picnic tables, benches and similar recreational features;

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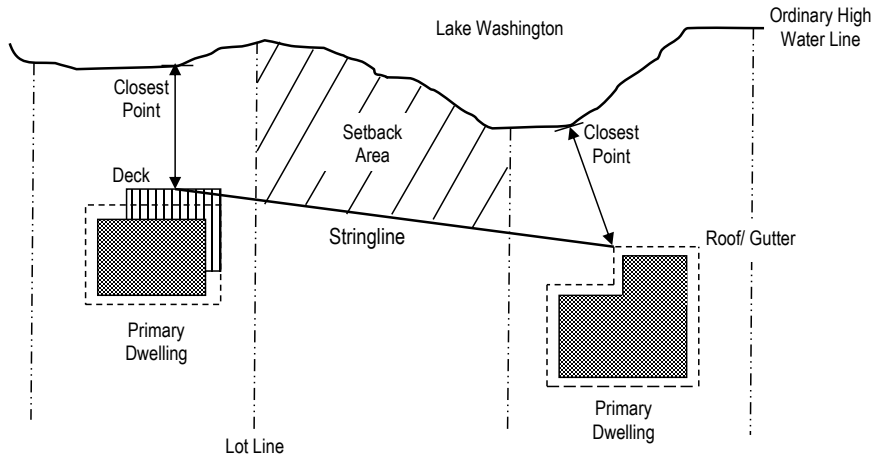


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9. Fences and walls, which are erected consistent with zoning requirements (substituting rear property line setback with shoreline setback requirements) provided:
    - i. It does not interfere with shoreline vegetation required for mitigation;
    - ii. It does not act as a shoreline stabilization measure;
  10. Essential public facilities that are water-dependent and must cross the shoreline; and
  11. Legally established shoreline stabilization measures.
- D. Where the map in Figure 20.63.030(A) designates a stringline setback:
1. A stringline is established by drawing a straight line between the two points where the primary single-family dwelling on each of the adjoining shoreline lots each projects the greatest towards and is the closest to the ordinary high water line, including attached structures (e.g., decks or stairs) that are 30 inches in height or greater above the existing grade; and
  2. The minimum shoreline setback is the distance between the stringline and the ordinary high water line (see diagram in Figure 20.63.030(D); and
  3. If the map in Figure 20.63.030(A) designates a 30- to 50-foot stringline setback:
    - a. Where the stringline is closer than 30 feet, the minimum setback from the ordinary high water line shall be 30 feet;
    - b. Where the stringline is greater than 50 feet, the maximum setback required from the ordinary high water line shall be 50 feet; or
  4. If the map in Figure 20.63.030(A) designates a 70- to 125-foot stringline setback:
    - a. Where the stringline is closer than 70 feet, the minimum setback from the ordinary high water line shall be 70 feet;
    - b. Where the stringline is greater than 125 feet, the maximum setback required from the ordinary high water line shall be 125 feet;
  5. If a stringline cannot be established because an adjoining shoreline lot does not contain a single-family dwelling within the shoreline jurisdiction, the following shall apply:
    - a. The shoreline setback shall be 25 percent of the lot depth, subject to the setback limitations set forth in MMC 20.63.030(D)(3) and (4); and
    - b. For the purpose of this provision:
      - i. The lot depth is established by measuring the distance between the ordinary high water line where the land extends the greatest waterward and the boundary line of the lot farthest from the ordinary high water line; and
      - ii. The resulting setback is applied in the same manner as prescribed in MMC 20.63.030(B);
  6. Where more than one point of a primary dwelling is equally closest to the ordinary high water line, the property owner subject to the stringline setback may choose which point to draw the stringline from;

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**Figure 20.63.030(D) Stringline Setback Diagram**



### E. Shallow lot exception.

1. Where a lot has the following conditions, the requirements set forth in this section may be applied in lieu of the setback requirements set forth in MMC 20.63.030(A):
  - a. The depth of the lot is less than 150 feet; and
  - b. The net buildable area of the lot is 8,200 square feet or less.
2. For the purposes of this section, the depth of the lot shall be determined by:
  - a. Measuring the distance of a horizontal line drawn midway between the side property lines between the ordinary high water line and the front lot line; and
  - b. If the lot is irregular in shape, or has fewer than two side lot lines, the midway will be determined in the most reasonable manner based on the lot lines that intersect the ordinary high water line.
3. For the purpose of this section, the net buildable area is the area is determined by the area of a lot contained within the setback limits where buildings and structures may be placed, excluding any critical areas that are unbuildable.
4. The setback shall be a minimum 30 feet between the nearest point of the buildings and structures from the ordinary high water line.
5. Vegetation enhancements shall be provided meeting the requirements in MMC 20.63.030(F)(1) and (2).
6. This section shall not apply to shallow lots that are located within the 30- to 50-foot stringline setback set forth in MMC 20.63.030(A)(4) and MMC 20.63.030(D)(3).

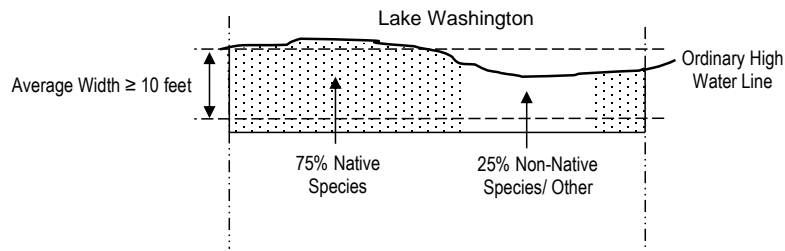
### F. Where enhancements for a 30-foot setback are specified by this chapter, the following shall be implemented:

1. Install a riparian vegetative planting area in accordance with the following (see diagram in Figure 20.63.030(F)(1)):
  - a. The planting area shall extend along the near-shore frontage of the lot adjoining the water;
  - b. The average width of the planting area, measured from the ordinary high water line shall be a minimum of 10 feet with no width measurement less than five feet;
  - c. The total square footage of the planting area shall be equal to or greater than a continuous 10-foot wide area multiplied by the length of the near shore frontage;

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- d. At least 75 percent of the planting area square footage shall be covered by vegetation;
- e. Installation of plants shall consist of any combination of native species, including trees, shrubs and groundcover, with at least 50 percent of the square footage area planted with vegetation other than groundcover;
- f. Plantings shall be installed at densities appropriate for the plant species to achieve the required ground coverage and shall be designed to improve habitat functions;
- g. The remaining 25 percent of the planting area may be planted with non-native species and/ or contain inanimate materials such as landscape rocks and allowed hard surfaced walkways;
- h. The City will accept existing native trees, shrubs, and groundcover as meeting the requirements of this section, including vegetation installed previously as part of a prior development activity provided:
  - i. New native vegetation is planted within the setback area that covers additional surface area equal to or greater than the square footage and density requirements set forth in MMC 20.63.030(F)(c) and (f); and
  - ii. The total square footage of new plantings plus the existing native plants is not required to exceed the total square footage of the entire shoreline setback area; and
  - iii. The City may require additional vegetation to be planted within the setback area to supplement existing vegetation where the City determines it is necessary to improve shoreline ecological functions.

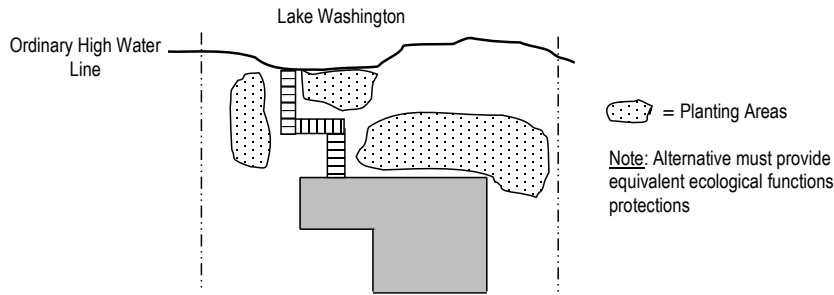
**Figure 20.63.030(F)(1) Planting Area Diagram**



- 2. In lieu of the planting requirements set forth in MMC 20.63.030(F)(1), the City shall accept an alternative planting plan provided:
  - a. The alternative planting plan shall provide at least as effective protection of shoreline ecological functions as the required planting plan;
  - b. The alternative planting plan is prepared by a qualified professional who can verify the equivalent protection of shoreline ecological functions; and
  - c. See Figure 20.63.030(F)(2) for an illustration of an alternative planting plan;

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**Figure 20.63.030(F)(2) Alternative Planting Area**



3. The use of artificial chemicals including pesticides, herbicides and fertilizers shall be prohibited (organic plant treatments are acceptable) within the shoreline setback area;
4. The shoreline enhancements required under this subsection are in addition to shoreline enhancements and/ or mitigation measures required elsewhere in the shoreline master program to obtain a permit approval from the City;
5. All planting plans shall be prepared by a qualified professional and submitted to the City for approval consistent with the requirements of this Subsection;
6. All planting plans must include maintenance and monitoring provisions, including, but not limited to the following:
  - a. An outline of the schedule for site monitoring;
  - b. Performance standards including, but not limited to, 100 percent survival of newly planted vegetation within the first two years of planting, and 80 percent for years three or more;
  - c. Contingency plans identifying courses of action and any corrective measures to be taken if monitoring or evaluation indicates performance standards have not been met;
  - d. The period of time necessary to establish that performance standards have been met; not to be less than three years;
7. After shoreline enhancements are completed:
  - a. The final approved setback and corresponding conditions shall be recorded at the King County Recorder's Office; and
  - b. The document for recording shall meet state and King County recording requirements with evidence of the recording submitted to the City; and
8. The City may require a financial security pursuant to MMC 20.66.120 as a guarantee that the enhancements, maintenance and monitoring are completed to the satisfaction of the City.

### **20.63.040 Maximum height.**

- A. Table 20.63.040 establishes the maximum height of structures permitted within each shoreline environment designation as it corresponds to the zoning district where the structure is located.

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**Table 20.63.040 Maximum Height**

Zoning District	Shoreline Residential	Urban Conservancy	Aquatic	Transportation
R-16 District	30 feet	30 feet	See MMC 20.63.040(C)	Per approval of a Conditional Use Permit
R-20 District	35 feet	35 feet		
R-30 District	35 feet	35 feet		
Parks & Public Places	35 feet	35 feet		
Primary State Highway	Not applicable			
Other Zoning Districts	Not applicable			

- B. In addition to the height requirements in Table 20.63.040, structures landward of the ordinary high water mark are subject to the height limitations of the zoning district where the structure is located.
- C. The height of all structures within the Aquatic environment designation shall be the minimum necessary for the proposed use, except as provided otherwise by law.
- D. The maximum height in Table 20.63.040 shall not apply to:
1. Communication antennas;
  2. Chimneys;
  3. Flag poles;
  4. Temporary structures utilized during construction; and
  4. Similar appurtenances identified in this subsection, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines.

### **20.63.050 Development standards for divisions of land and lot line adjustments.**

This section shall only apply to lots located in part or in whole within the shoreline jurisdiction and which are being divided or having lot lines adjusted after (effective date of the ordinance).

A. The following lot standards shall apply:

1. Minimum net lot area:
  - a. Table 20.63.050(A)(1) prescribes the minimum lot area for lots in each shoreline environment as it corresponds to the zoning district where the lot is located:

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**Table 20.63.050(A)(1) Minimum Net Lot Area**

Zoning District	Shoreline Residential	Urban Conservancy	Aquatic	Transportation
R-16 District	16,000 square feet		Not Applicable	Not Applicable
R-20 District	20,000 square feet			None
R-30 District	30,000 square feet			Not Applicable
Parks & Public Places	None			Not Applicable
Primary State Highway	Not Applicable			None
Other Zoning Districts	Not applicable			

- b. The net lot areas in Table 20.63.050(A)(1) include land areas within the boundaries of the lot outside of the shoreline jurisdiction;
  - c. Minimum net lot area shall not apply to tracts of land restricted to providing shared or public shoreline access, ingress and egress, or tracts of land set aside to preserve and protect natural areas or critical areas; and
  - d. The high bank steep slope exception set forth in MMC 20.22.020(D) shall not apply to lots located within the shoreline jurisdiction.
2. Minimum water frontage/ lot width:
    - a. Table 20.63.050(A)(2) prescribes the minimum water frontage and lot width requirements for lots in each shoreline environment as it corresponds to the zoning district where the lot is located:

**Table 20.63.050(A)(2) Minimum Water Frontage/ Lot Width**

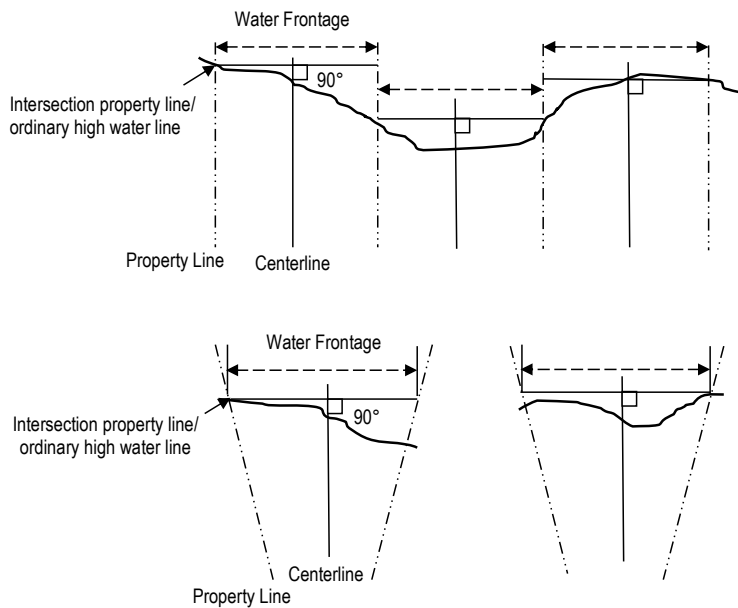
Zoning District	Shoreline Residential	Urban Conservancy	Aquatic	Transportation
R-16 District	55 feet	55 feet	Not Applicable	Not Applicable
R-20 District	75 feet	75 feet		None
R-30 District	95 feet	120 feet		Not Applicable
Parks & Public Places	Not Applicable	120 feet		Not Applicable
Primary State Highway	Not applicable			None
Other Zoning Districts	Not applicable			

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- b. Lot width is measured as the mean horizontal distance between the side lot lines where the building envelope is located, except ~~were where~~ a lot is irregularly shaped (i.e. less than two side lot lines) the lot width may be determined using lot lines corresponding to the longer dimensions of the lot;
- c. Water frontage is measured in the following manner (see diagrams in Figure 20.63.050(A)):
  - i. The two property lines intersecting the ordinary high water line shall be continued waterward in a straight line; and
  - ii. A centerline bisecting equal distances between the two property lines shall be established; and
  - iii. A straight line perpendicular to the centerline shall be drawn between the two property lines with at least one end of the straight line affixed to a point where the ordinary high water line intersects one of the property lines; and
  - iv. The water frontage shall be measured as the length of the straight line created in MMC 20.63.050(A)(2)(c)(iii).

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**Figure 20.63.050(A) Measuring Water Frontage**



- d. If a lot, as a result of an action under this Section, will no longer adjoin Lake Washington, the minimum water frontage requirement does not apply.
- B. The following exceptions to the lot standards in MMC 20.63.050(A) are allowed:
  1. Minimum net lot area: A lot line adjustment may be approved with lots having less than the minimum net lot area provided:
    - a. At least one of the existing lots has less than the required net lot area set forth in Table 20.63.050(A)(1); and

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- b. The final lot configuration will neither cause an existing lot to have less than the existing substandard net lot area nor cause an existing lot having the required lot area to have less than the required minimum net lot area; or
        - c. If two or more existing lots have less than the required net lot area set forth in Table 20.63.050(A)(1), then the final lot configuration can include more than one lot having less than the required net lot area provided:
          - i. Only one substandard lot in the final configuration has its net lot area reduced to less than its existing lot area; and
          - ii. The reduced net lot area is not less than that of the existing smallest lot; and
          - iii. The number of lots having less than the required net lot area is not increased in the final lot configuration.
  2. Minimum water frontage: A lot line adjustment or a division of land may be approved with less than the required water frontage provided:
    - a. At least one of the existing lots has less than the required water frontage set forth in Table 20.63.050(A)(2); and
    - b. The final lot configuration will neither cause an existing lot adjoining the lake to have less than the existing substandard water frontage nor cause a lot having the required water frontage to have less than the required minimum water frontage; or
    - c. If two or more existing lots have less than the required water frontage set forth in Table 20.63.050(A)(2) then the final lot configuration can include more than one lot adjoining the lake having less than the required water frontage provided:
      - i. Only one lot in the final configuration has a substandard water frontage reduced to less than its existing water frontage; and
      - ii. The lot with the reduced water frontage does not have a water frontage less than the existing lot with the smallest water frontage; and
      - iii. The number of lots having less than the required water frontage is not increased in the final lot configuration.
  3. In addition to MMC 20.63.050(B)(2), any lot line adjustment or division of land may be approved having lots with less than the required water frontage set forth in Table 20.63.050(A)(2) provided:
    - a. The purpose of the action is to promote passive recreational use of the shoreline;
    - b. All future in-water development and structures and all development and structures within 50 of the ordinary high water line are prohibited, except:
      - i. Development and structures associated with wildlife habitat restoration and/ or enhancements; and
      - ii. Stormwater drainage pipes and outfalls, underground utilities, and small uncovered outdoor fire pits, picnic tables, and benches;
    - c. All existing in-water structures and structures within 50 feet of the ordinary high water line on the property are removed, except
      - i. Improvements associated with wildlife habitat enhancements;
      - ii. Stormwater drainage pipes and outfalls, underground utilities, and small outdoor fire pits, picnic tables, and benches;
      - iii. Authorized shoreline stabilization measures;
    - d. A deed restriction prohibiting future development consistent with MMC 20.63.050(B)(3)(b) is placed upon the property and recorded with King County Records Office with evidence of the deed restriction submitted to the City;
    - e. The lot line adjustment or division of land does not cause another lot adjoining the lake to have less than the required water frontage.
  4. Minimum net lot area and water frontage requirements prescribed by this subsection shall not apply to lots permanently eliminated through a lot consolidation action.



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- 1 C. In addition to the requirements prescribed in this Section, lot line adjustments and divisions of  
2 land must also comply with other applicable provisions of the shoreline master program and  
3 other applicable provisions of the Medina Municipal Code.

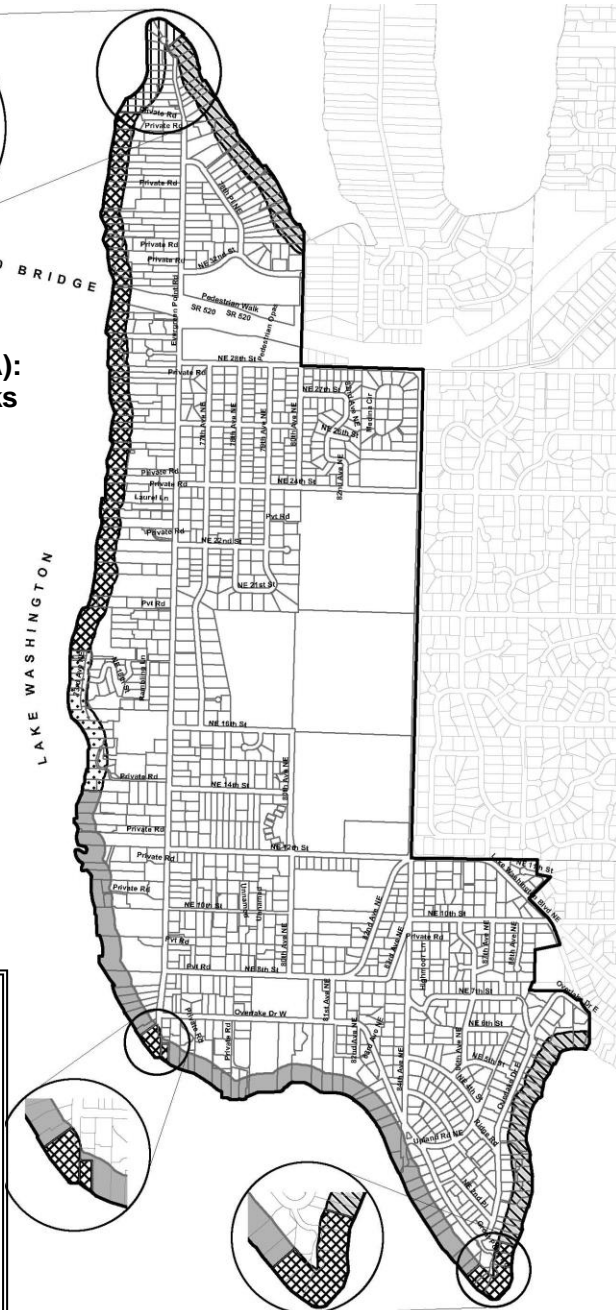
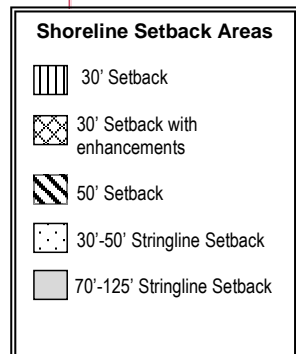
### 20.63.060 Shoreline restoration projects.

- 4  
5  
6  
7 A. The City may grant relief from shoreline master program development standards and use  
8 regulations resulting from shoreline restoration projects within urban growth areas consistent  
9 with criteria and procedures in WAC 173-27-215. This may occur where a shoreline  
10 restoration project creates a shift in the Ordinary High Water Mark, resulting in additional  
11 hardship, new or extra regulation.

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# ATTACHMENT A

**Figure 20.63.030(A):  
Shoreline Setbacks**



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## ATTACHMENT A

### Chapter 20.64

#### Use Specific Shoreline Development Standards

##### Sections:

- 20.64.010 Residential development.
- 20.64.020 Recreational development.
- 20.64.030 Community boating facilities.
- 20.64.040 City government facilities.
- 20.64.050 Transportation facilities.
- 20.64.060 Utilities.
- 20.64.080 Signage.
- 20.64.090 Trams.

##### **20.64.010 Residential development.**

The following requirements apply to residential development:

- A. Residential development is permitted pursuant to the use table set forth in MMC 20.62.030;
- B. Residential development shall comply with the policies and regulations for the specific shoreline environment designation, applicable development regulations, and the general shoreline regulations prescribed in Chapter 20.66 MMC;
- C. Overwater residential development such as houseboats and live-aboard vessels are prohibited; and
- D. Fences shall not extend waterward of the ordinary high water line; and
- E. Where a single lot has more than one detached single-family dwelling located within the shoreline jurisdiction, each additional single-family dwelling within the shoreline jurisdiction beyond the first single-family dwelling shall have a shoreline setback of at least 50 feet, or as prescribed in MMC 20.63.030, whichever setback distance is greater.

##### **20.64.020 Recreational development.**

The following requirements apply to recreational development for public use including passive facilities for walking, viewing, and fishing, and active facilities for swimming, boating, and other outdoor recreational uses:

- A. Recreational development is permitted pursuant to the use table set forth in MMC 20.62.030;
- B. Recreational development shall comply with the policies and regulations for the specific shoreline environment designation, applicable development regulations, and the general shoreline regulations prescribed in Chapter 20.66 MMC;
- C. Recreational development shall make adequate provisions for the following:
  - 1. Access for pedestrian and bicycles;
  - 2. Landscaping, fencing or similar amenities that prevents trespassing onto adjacent properties;
  - 3. Signage;
  - 4. Measures that protect and/ or restore environmentally sensitive areas and assure no net loss of shoreline ecological functions and processes pursuant to the analysis in MMC 20.66.010; and
  - 5. Other measures, as necessary, to minimize adverse impacts on adjacent properties;
- D. Shoreline areas with specific valuable shoreline ecological functions, such as a designated wildlife habitat conservation area, shall be used only for non-intensive recreational activities that do not involve the construction of structures, except as necessary for wildlife habitat restoration;

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## ATTACHMENT A

- E. Boat launching facilities may be developed pursuant to the use table set forth in MMC 20.62.030, however, such facilities shall be separated from swimming areas and be developed consistent with the requirements in MMC 20.64.030(C); and
- F. New or expanded recreational development shall provide public access pursuant to MMC 20.66.040, where feasible.

### **20.64.030 Community boating facilities.**

The following requirements apply to public facilities, and private and semi-private community boating facilities that serve five or more single-family dwellings:

- A. Boating facilities must be located and designed to:
  - 1. Avoid or minimize impacts to shoreline ecological functions;
  - 2. Not block, obstruct or make dangerous designated public shoreline access;
  - 3. Not significantly impact views of nearby residential properties;
  - 4. Limit overwater coverage to the minimum necessary to accommodate anticipated demand;
  - 5. Result in minimum shoreline stabilization being necessary to protect the facility;
  - 6. Follow the standards in Chapter 20.65 MMC (Shoreline Modifications), as applicable; and
  - 7. Not result in a net loss of shoreline ecological functions or other significant adverse impacts.
- B. Boat launches requirements:
  - 1. All boat launches shall comply with regulations stipulated by state and federal agencies or other agencies with jurisdiction;
  - 2. The length of a boat launch shall be the minimum necessary to safely launch the intended craft;
  - 3. In no case shall the ramp of a boat launch extend beyond where the water depth is 6 feet below the low high water line for Lake Washington, except where the City determines a greater depth is necessary for boats launching at a public facility;
  - 4. Design requirements:
    - a. A boat launch designed for non-motorized boats shall be constructed using gravel or other similar natural material; or
    - b. A boat launch designed for motorized boats shall be constructed using any of the following, listed in order of preference:
      - i. Open grid design with minimum coverage of lake substrate;
      - ii. Seasonal ramps that can be removed and stored upland; and/ or
      - iii. Structures with segmented pads and flexible connections that leave space for natural beach substrate and can adapt to changes in shoreline profile;
    - c. As an alternative, a less impactful design approved by state agencies may be accepted by the City.

### **20.64.040 City government facilities.**

The following requirements apply to Medina government facilities:

- A. City government facilities, including accessory uses, shall be permitted pursuant to the use table set forth in MMC 20.62.030; and
- B. City government facilities shall comply with the policies and regulations for the specific shoreline environment designation, applicable zoning regulations, and the general shoreline regulations in Chapter 20.66 MMC.

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### 20.64.050 Transportation facilities.

The following requirements apply to local and state transportation facilities:

- A. Local and state transportation facilities are permitted pursuant to the use table set forth in MMC 20.62.030.
- B. All transportation facilities shall comply with the policies and regulations for the specific shoreline environment designation, and the general shoreline regulations in Chapter 20.66 MMC.
- C. The following standards are specific to transportation facilities:
  1. Transportation facilities shall be limited to existing transportation corridors;
  2. All new and expansion of existing transportation facilities must meet the following conditions:
    - a. No reasonable alternative locations for the transportation facility are feasible;
    - b. The construction and maintenance of the transportation facility will have the least adverse impact on the shoreline area and shoreline ecological functions; and
    - c. The transportation facility is necessary for the public interest.
  3. Except for transportation facilities designated under RCW 47.05.022 as highways of statewide significance (e.g., State Route 520), the construction of new roads shall be the minimum necessary to support permitted shoreline uses;
  4. Highways of statewide significance shall be designed consistent with federal and state agency approvals;
  5. All transportation facilities within the shoreline area shall be designed to minimize impacts to wildlife habitat and allow fish passage where applicable;
- D. Construction and maintenance of transportation facilities:
  1. All debris and other waste materials shall be disposed of in such a way as to prevent their entry into any water body;
  2. Areas disturbed by construction and maintenance activities shall be replanted and stabilized with approved riparian vegetation immediately upon completion of the activity. The vegetation shall be maintained until established;
  3. Mechanical means should be utilized to the greatest extent feasible instead of herbicides for roadside brush control; and
  4. Drainage and surface water runoff shall be controlled so that pollutants will not be carried into water bodies;
- E. Transportation and utility facilities shall be required to make joint use of rights-of-way, and to consolidate crossings of water bodies to minimize adverse impacts to the shoreline;
- F. Street ends and right-of-way abutting Lake Washington and located within the shoreline jurisdiction are prohibited from being vacated, unless the vacation enables the City to implement a plan that provides comparable or improved public access to the same shoreline pursuant to RCW 35.79.035; and
- G. Public street ends that abut Lake Washington shall be used for public access or recreational purposes.

### 20.64.060 Utilities.

The following requirements apply to utilities within the shoreline jurisdiction:

- A. Utilities are allowed pursuant to the use table set forth in MMC 20.62.030;
- B. All utilities shall comply with the policies and regulations for the specific shoreline environment designation, and the general shoreline regulations in Chapter 20.66 MMC;
- C. Local public water, electrical, natural gas distribution, public sewer collection, cable and telephone distribution that are accessory and incidental to a permitted shoreline use shall be reviewed under the shoreline use to which the utilities are accessory;

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- D. Regional utility facilities involved in production, processing and transmission shall be located outside of the shoreline jurisdiction unless no other feasible option exists;
- E. Where it is not feasible to locate regional utility facilities outside of the shoreline jurisdiction, they shall be placed so as to not adversely impact shoreline ecological functions or obstruct views of a significant number of nearby residential properties;
- F. Utilities, which are not accessory and incidental to a permitted shoreline use, must make use of existing rights-of-way or utility easement corridors whenever possible and should avoid duplication and construction of new utility corridors within the shoreline jurisdiction;
- G. New utility corridors may be authorized only if it can be demonstrated that the existing routes are not feasible;
- H. Whenever feasible, utility lines, pipes, conduits, cables, meters, vaults, and similar infrastructure and appurtenances shall be placed underground to the maximum extent feasible;
- I. The location and construction of outfalls shall comply with appropriate federal, state, county and city regulations;
- J. Natural drainage systems shall be maintained, enhanced and restored to protect water quality, reduce flooding, reduce public costs and prevent associated environmental degradation for a no net loss of shoreline ecological functions; and
- K. Wireless communication facilities are permitted pursuant to the use table in MMC 20.62.030, the zoning requirements set forth in Chapter 20.37 MMC, and provided they do not obstruct the views of Lake Washington of a substantial number of nearby residences.

### 20.64.070 Signage.

In addition to the requirements for signs found in the zoning regulations, the following requirements shall apply to signage located within the shoreline jurisdiction:

- A. Signs shall be located in a manner not to significantly interfere or block views of Lake Washington from nearby properties;
- B. Permanent signs erected within a residential environment designation shall not exceed a maximum of two square feet in sign area (face of the sign containing the message, logo or other identification);
- C. Properties with a residential environment designation shall be limited to not more than one permanent sign for each dwelling unit, except this limitation shall not apply to signs related to water navigation, signs necessary for operation, safety and directions, or signs solely displaying the address of a residence;
- D. Signs shall be affixed to a pier or be wall-mounted;
- E. Free-standing signs are prohibited, except one free-standing temporary ~~real estate~~ sign may be allowed;
- F. Signage lighting shall be limited to a low-wattage external light source that does not direct lighting towards neighboring properties or Lake Washington; and
- G. Except where allowed in MMC 20.64.070(F), other forms of signage lighting are prohibited; and
- H. Address numbering and letters shall meet fire code requirements.

### 20.64.080 Trams.

The following requirements apply to the installation and operation of trams:

- A. The installation of a tram shall be limited only to steep slope areas as defined in Chapter 20.67 MMC;
- B. Construction of the tram and installation of associated equipment must minimize disruption of natural drainage patterns and removal of vegetation on the steep slope;

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- 1 C. The tram and or landing for the tram must comply with shoreline setback, except the tram  
2 and/ or landing may be placed within a shoreline setback without the requirement for a  
3 shoreline variance provided the following can be demonstrated:
  - 4 1. There are no practical alternative locations to avoid placement of the tram within a  
5 shoreline setback;
  - 6 2. The existing topography makes it infeasible to place the tram or landing outside of the  
7 shoreline setback;
  - 8 3. The intrusion into the shoreline setback is the minimum necessary; and
  - 9 4. Mitigation is provided based upon a no net loss analysis set forth in MMC 20.66.010  
10 assuring no net loss to shoreline ecological functions.

## ATTACHMENT A

### Chapter 20.65 Shoreline Modifications

#### Sections

20.65.010	General provisions applicable to all shoreline modifications.
20.65.020	Overwater structures – general provisions.
20.65.030	Piers, docks, buoys, moorage piles, swim floats – application.
20.65.040	Design standards for piers, docks, buoys, moorage piles, swim floats.
20.65.050	Modifications to overwater structures.
20.65.060	Repair and maintenance of overwater structures.
20.65.100	Covered moorage.
20.65.120	Boatlifts.
20.65.200	Shoreline stabilization – general provisions.
20.65.210	Structural shoreline stabilization – all.
20.65.220	Structural shoreline stabilization – new and enlargements.
20.65.230	Structural shoreline stabilization – replacement of existing.
20.65.240	Structural shoreline stabilization – repair of existing.
20.65.250	Structural shoreline stabilization – design requirements.
20.65.260	Hard structural shoreline stabilization mitigation requirements.
20.65.270	Structural shoreline stabilization – limitations on authorization.
20.65.280	Submittal requirements for structural shoreline stabilization.
20.65.300	Dredging and disposal.
20.65.400	Breakwaters, jetties, groins.
20.65.500	Fill.
20.65.600	Land surface modification.

#### **20.65.010 General provisions applicable to all shoreline modifications.**

The following shall apply to all shoreline modifications expressed under this chapter:

- A. The shoreline modification must support an allowed shoreline use or are for the purpose of shoreline mitigation and/ or shoreline enhancement;
- B. The shoreline modification must comply with the policies and regulations of the specific shoreline environment designation and the general shoreline regulations found in Chapter 20.66 MMC; and
- C. The shoreline modification must be constructed and maintained in a safe and sound condition and any structures determined to be unsafe or abandoned shall be removed, repaired, or have the unsafe conditions remedied immediately by the property owner.

#### **20.65.020 Overwater structures – general provisions.**

The following requirements apply to all overwater structures including piers, docks, buoys, moorage piles, boatlifts, floats, and similar types of structures:

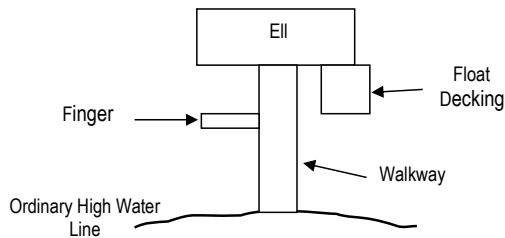
- A. Piers, docks, and floats are allowed as follows:
  1. Only one pier or dock plus one float are permitted per single-family dwelling;
  2. Where a lot contains more than one dwelling, only one pier or dock plus one float is permitted; and
  3. Limitations on other overwater structures shall be as prescribed by this chapter;
- B. Overwater structures must support a permitted shoreline use, but may be located off-site from the principal use provided the lots containing the overwater structure and the lots containing the principal use are located contiguous to each other and have the same distinct property ownership;



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- C. The Director may waive the limitation in MMC 20.65.020(B) requiring lots to be contiguous if the overwater structure provides shoreline access to the general public, or the overwater structure provides shoreline access to three or more single-family dwellings under distinctly separate ownerships;
- D. Where a new residential development has one of the following conditions, a joint-use pier or dock is required rather than individual piers or docks:
  1. Divisions of land into two or more lots where waterfront access is provided to the new lots; or
  2. Development of two or more single-family dwellings under distinctly separate property owners where waterfront access is provided to the new dwellings;
- E. The Director may waive the limitation in MMC 20.65.020(D) requiring a joint-use pier or dock if the applicant can demonstrate a joint-use pier or dock is not feasible because of topography or environmental constraints;
- F. Renting, leasing or selling moorage space to a party different than the property owner or a tenant renting or leasing the property where the moorage is located is prohibited.
- G. Figure 20.65.020 illustrates the different elements of a typical pier or dock.

**Figure 20.65.020 Diagram of Typical Pier/ Dock Elements**



### **20.65.030 Piers, docks, buoys, moorage piles, swim floats – application.**

It is recognized in the Medina Comprehensive Plan that the City is a mature nearly built-out residential community. This nearly built-out condition includes development running along the City's shoreline. In recognition of the existing built-out conditions and the requirements set forth in the state's shoreline guidelines, this chapter establishes multi-level design standards applicable to piers, docks, buoys, moorage piles and swim floats.

- A. Where a property owner can demonstrate that a pier or dock was legally established prior to April 18, 2014, the dimensional and design standards for *existing* overwater structures set forth in Table 20.65.040 shall apply.
- B. Where a property owner cannot demonstrate that a pier or dock was legally established prior to April 18, 2014, the dimensional and design standards for *new* overwater structures set forth in Table 20.65.040 shall apply.
- C. The property owner has the burden of proof to demonstrate when a pier or dock was legally established.
- D. The compliance of a pier or dock to required dimensional and design standards is resolved by which dimensional and design standards apply to a particular pier or dock as determined pursuant to MMC 20.65.030(A), (B) or (C).
- E. Where a new pier or dock is proposed, it shall be allowed only for water-dependent uses including single-family residences or public access. When in association with a single-family residence, it shall be designed and intended as a facility for access to watercraft.

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- F. Table 20.65.030 provides a user's guide of the requirements that apply to all piers, docks, buoys, moorage piles, and swim floats (the table is informational only):

**Table 20.65.030 User's Guide of Pier and Dock Standards**

Date Pier or Dock is Established	Type of Construction	Applicable Standards
Before April 18, 2014	Replacement	<ul style="list-style-type: none"> <li>Existing structures requirements in MMC 20.65.040</li> </ul>
	Modifications/ Additions	<ul style="list-style-type: none"> <li>Replacement requirements above plus requirements in MMC 20.65.060;</li> <li>Nonconforming requirements in MMC 20.66.090 if existing structure requirements apply and the pier or dock is noncompliant</li> </ul>
	Repair/ Maintenance	<ul style="list-style-type: none"> <li>Work must be consistent with applicable requirement above for replacement or</li> <li>Nonconforming requirements in MMC 20.65.060 and 20.66.090 if existing structures requirements apply and the pier or dock is noncompliant</li> </ul>
April 18, 2014, and later	New	<ul style="list-style-type: none"> <li>New structures requirements in MMC 20.65.040</li> </ul>
	Modifications/ Additions	<ul style="list-style-type: none"> <li>Requirement above for applicable new structures plus requirements in MMC 20.65.050</li> </ul>
	Repair/ Maintenance	<ul style="list-style-type: none"> <li>Work must be consistent with applicable requirement above for new</li> </ul>

### **20.65.040 Design Standards for piers, docks, buoys, moorage piles, and floats.**

- A. Table 20.65.040 set forth the dimensional and design standards that apply to piers, docks, buoys, moorage piles, and floats established under MMC 20.65.030(A) and (B).

**Table 20.65.040 Overwater Structure Dimensional & Design Standards**

Description	Requirements	
	New Structures (See MMC 20.65.030(B))	Existing Structures (See MMC 20.65.030(A))
<b>Maximum Overwater Surface Coverage</b> <sup>1</sup>		
Single property owner	480 square feet <sup>2</sup>	1,200 square feet
Shared/ Joint-use by two property owners	700 square feet <sup>2</sup>	1,400 square feet
Shared/ Joint-use by more than two property owners	1,000 square feet <sup>2</sup>	1,500 square feet
Public	Minimum necessary to support the public use	
<b>Minimum Setback from Side Property Lines</b>		
Single property owner	12 feet	12 feet
Shared/ Joint-use where straddling a common property line	None	None

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Shared/ Joint-use where not straddling a common property line	12 feet	12 feet
<b>Maximum Length</b>		
Farthest extension point of all structures from the ordinary high water line (See MMC 20.65.040(D))	100 feet	100 feet
EII	26	None
Fingers and Floating Decking	20	None
<b>Maximum Width</b>		
Walkway, located within 30 feet waterward of the ordinary high water line	4 feet	4 feet, except an additional 2 feet of width is permitted if the property owner or family member living on the property has a condition that qualifies for state disabled accommodations
Walkway, located greater than 30 feet waterward of the ordinary high water line	6 feet	6 feet
EII and Floating Decking	6 feet	None
Finger	2 feet	None
<b>Height</b>		
Minimum height above the plane of the ordinary high water line and the bottom of the stringers on a pier	1 ½ feet	1 ½ feet
Minimum height of non-pier structures	None	None
Maximum height above the plane of the ordinary high water line and the top of the decking of a pier	5 feet	5 feet
Maximum height of piles: <sup>3</sup> <ul style="list-style-type: none"><li>Above the top of a pier</li><li>Others – above the plane of the ordinary high water line</li></ul>	5 feet 7 feet	5 feet 7 feet
Maximum height of safety railing above surface decking <sup>4</sup>	3 ½ feet	3 ½ feet
Walls, sheathing, lockers (except horizontal lockers not exceed in two feet in height) and similar construction not listed	Prohibited	
<b>Location of specific structures</b>		
Minimum distance of the landward edge of ells, fingers, buoys, moorage piles, and/ or floats waterward from the ordinary high water line	30 feet and 10 feet of water depth, unless water depth is waived pursuant to MMC 20.65.040(K)	30 feet and 10 feet of water depth, unless water depth is waived pursuant to MMC 20.65.040(K)
Minimum distance of all piles, except moorage piles, waterward from the ordinary high water line	18 feet	18 feet

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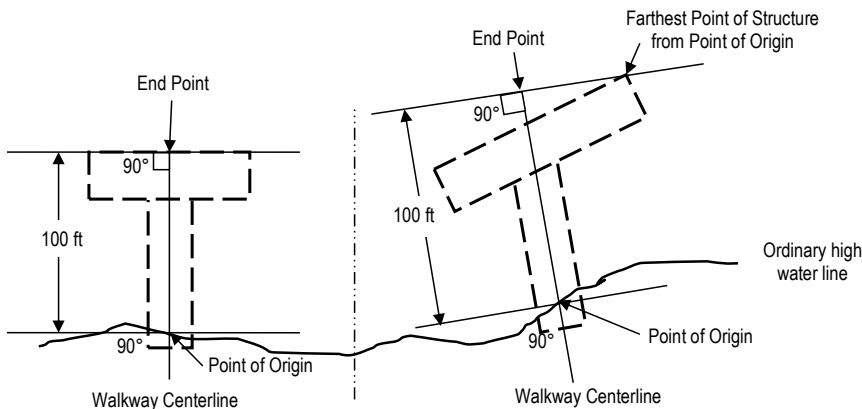
<b>Pier skirting</b>	
Pier skirting is allowed only when: <ol style="list-style-type: none"> <li>1. The applicant can demonstrate that it is necessary for protection from wave action;</li> <li>2. The applicant can demonstrate that no reasonable alternative to the use of skirting exists;</li> <li>3. The skirting is located 30 feet or more waterward of the ordinary high water line;</li> <li>4. The applicant provides mitigation to achieve no net loss of shoreline ecological functions pursuant to an analysis set forth in MMC 20.66.010; and</li> <li>5. A shoreline conditional use permit authorizing the skirting is obtained pursuant to MMC 20.72.120.</li> </ol>	
<b>Materials</b>	
Decking for piers, docks, floats and platform lifts	Grating or other materials that allow a minimum 40 percent light to transmit through
Decking for floats where full grating or use of translucent materials is not practical	Minimum two-foot wide grating strip located down the center of the entire float that allows 40 percent light to transmit through the grating
Piles, buoys, moorage piles, skirting and similar structures	Treatment with pentachlorophenol, creosote, chromate copper arsenate, or similar toxic compounds are prohibited
Notes: <ol style="list-style-type: none"> <li>1. Maximum overwater surface coverage includes float, ramp, ell, finger, and walkway.</li> <li>2. See MMC 20.65.040(B) for allowances to increase overwater surface coverage.</li> <li>3. Includes pier piles and moorage piles.</li> <li>4. Safety railing shall be designed to providing maximum opening to allow air and light to pass through.</li> </ol>	

- 1
- 2 B. Where a new pier or dock is established pursuant to MMC 20.65.030(A), the maximum
- 3 overwater surface coverage in Table 20.65.040 may be increased to the following standards
- 4 provided the conditions in MMC 20.65.040(C) are satisfied:
- 5
  - 6 1. Single-property ownership: 900 square feet;
  - 7 2. Shared/ Joint-use by two property owners: 1,150 square feet; or
  - 8 3. Shared/ Joint-use by more than two property owners: 1,400 square feet.
- 9 C. An increase to the maximum overwater surface coverage is allowed, where:
- 10
  - 11 1. The increase is the minimum necessary for access to vessels;
  - 12 2. The increase receives the necessary federal and state agency approvals; and
  - 13 3. Mitigation is provided in addition to that required by MMC 20.65.040(E), which
  - 14 demonstrates the additional overwater surface coverage will result in no net loss of
  - 15 shoreline ecological functions pursuant to an analysis in MMC 20.66.010; and
  - 16 4. Other applicable provisions of the shoreline master program are met.
- 17 D. The maximum length prescribed in Table 20.65.040 is measured in the following manner:
- 18
  - 19 1. The length is measured along a centerline established by bisecting equally the pier or
  - 20 dock's walkway width;
  - 21 2. Where the centerline intersects the ordinary high water line shall be designated the point
  - of origin;
  3. The centerline continues from the point of origin along a straight line to an end point
  - designated where a straight line drawn perpendicular to the centerline touches the farthest

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- point waterward from the point of origin of any in-water/overwater structures associated with the property; and
4. The length is measured as the distance of the centerline between the point of origin and the end point (See diagrams in Figure 20.65.040(D)).

**Figure 20.65.040(D)**  
**Maximum Length of Overwater Structures**

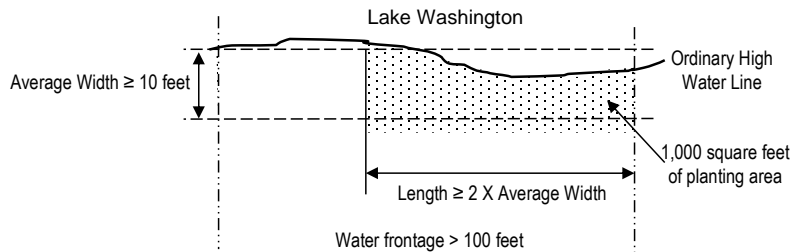


- E. Where a new pier or dock is established pursuant to MMC 20.65.030(A), the following mitigation measures are required to be taken:
1. Remove existing in-water and overwater structures consistent with MMC 20.65.040(F);
  2. Plant emergent vegetation waterward of the ordinary high water line per Washington State Fish & Wildlife and/or Corp of Engineer requirements, unless it can be demonstrated that planting is not feasible or appropriate due to environmental constraints;
  3. Install a riparian vegetative planting area in accordance with the following (See diagram in Figure 20.65.040(E)):
    - a. The planting area must cover at least 1,000 square feet of surface ground area, except where a lot has less than 100 feet of water frontage in which case the required planting area is the distance of the water frontage multiplied by 10;
    - b. The planting area shall extend along the contours of the ordinary high water line;
    - c. The average width of the planting area measured from the ordinary high water line shall be a minimum of 10 feet with no width measurement less than five feet;
    - d. The length of the planting area must be at least twice the average width, unless the width of the water frontage makes this not feasible;
    - e. Planting is not required in areas covered by walkways, water-dependent improvements, and other allowed improvements, however, this allowance does not decrease the total surface ground area set forth in MMC 20.65.040(E)(3)(a);
    - f. Plantings shall include a mixture of native species plants and be of a sufficient density to improve habitat ecological functions;
    - g. The City will accept existing native species plants as meeting the requirements of this subsection, excluding required vegetation installed as setback enhancements pursuant to MMC 20.63.030(F), provided that the existing vegetation provides a riparian planting strip at least as effective in protecting shoreline ecological functions as the required vegetation; and

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- h. The City may require the applicant to plant vegetation to supplement the existing vegetation in order to provide a planting area at least as effective as the required planting strip;

**Figure 20.65.040(E) Planting Area Diagram**



4. In lieu of the planting requirements set forth in MMC 20.65.040(E)(3), the City shall accept an alternative planting plan provided:
  - a. The alternative planting plan is approved by state and federal agencies;
  - b. The alternative planting plan shall provide at least as effective protection of shoreline ecological functions as MMC 20.65.040(E)(3); and
  - b. The planting plan is prepared by a qualified professional who can verify the equivalent shoreline protection;
5. All planting plans shall be prepared by a qualified professional and must include maintenance and monitoring provisions having the following:
  - a. An outline of the schedule for site monitoring;
  - b. Performance standards with 100 percent survival of newly planted vegetation within the first two years of planting, and 80 percent for years three and more;
  - c. Contingency plans identifying courses of action and any corrective measures to be taken if monitoring indicates performance standards are not being met; and
  - d. The period of time necessary to establish performance standards have been met, not to be less than three years; and
  - e. A form of financial security as prescribed in MMC 20.65.040(G).
- F. Where an existing pier or dock is replaced, mitigation shall consist of removing in-water and overwater structures located within 30 feet of the ordinary high water line, except for existing or authorized shoreline stabilization measures and existing boatlifts otherwise complying with other applicable standards set forth in MMC 20.65.120.
- G. The City may require a financial security pursuant to MMC 20.66.120 as a guarantee that the plantings, maintenance and monitoring are completed to the satisfaction of the City.
- H. The planting area utilized for mitigation shall be designated a native planting preservation area subject to the following:
  1. A notice on the title of the real property shall be recorded with King County Records Office;
  2. The required content of the notice is limited to alerting future property owners that the vegetation within the planting area must be preserved and that it is a violation of the Medina Municipal Code to damage or permanently destroy native vegetation within the preservation area; and
  3. Evidence of the recording shall be provided to the City.
- I. Buoys and moorage piles must be accessory to an existing or authorized pier or dock. Mitigation for these shall be pursuant to requirements imposed by federal or state agencies.

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- J. Shared and joint-use overwater structures shall require an easement or other documentation approved by the City providing for shared use and/ or maintenance of the subject overwater structure.
- K. The Director may waive the requirement for minimum water depth where the following conditions exist:
  - 1. Compliance with the water depth is not feasible without the need for a shoreline variance;
  - 2. No reasonable alternative exists due to the bathymetry and/ or existing overwater structures on adjacent properties; and
  - 3. A minimum water depth of five feet is maintained.

### **20.65.050 Modifications to overwater structures.**

The following requirements apply to overwater structures that are modified and where the existing configuration of the structure is altered (i.e. changes to the surface footprint or height):

- A. Modifications, such as additions, must comply with the applicable dimensional and design standards established in MMC 20.65.030;
- B. Where a modification will increase the overwater coverage, mitigation shall be provided that:
  - 1. Is proportional to the impact generated by the increased overwater coverage; and
  - 2. Is of sufficient quantity and quality to assure no net loss of shoreline ecological functions pursuant to the analysis set forth in MMC 20.66.010;
- C. Where existing structures exceed the maximum overwater surface coverage standard, modifications, including additions, are allowed, provided the final net overwater surface coverage is not an increase from the existing conditions and the requirements of MMC 20.66.090 (nonconformity) are satisfied; and
- D. Where existing overwater structure is proposed for removal, priority should be given to removing those structures located within 30 feet of the ordinary high water line, except for existing or authorized shoreline stabilization measures, existing boatlifts otherwise complying with other applicable standards set forth in MMC 20.65.120, and pier and dock walkways.

### **20.65.060 Repair and maintenance of overwater structures.**

The following requirements apply to the repair and maintenance of overwater structures where the repair work is for the purpose of preventing the decline, lapse or cessation of the structure:

- A. Repair and maintenance work is allowed;
- B. Repair and maintenance may include replacing structure with similar structure if the replacement does not increase the size or shape of the structure, or significantly alter the configuration of the entire structure;
- C. All repair work must use materials listed in Table 20.65.040;
- D. Where repair and maintenance is to a nonconforming pier or dock, the limitations for a nonconforming structure set forth in MMC 20.66.090 shall apply; except the following repair actions are not subject to the limitations for nonconforming structures provided the constraint in MMC 20.65.060(E) is satisfied:
  - 1. Replacement of up to 75 percent of the existing piles during any consecutive 18 month period; or
  - 2. Repair of up to 100 percent of the existing piles provided repair does not involve driving piles into the benthic; or
  - 3. Replacement of any structure treated with pentachlorophenol, creosote, or similar toxic compounds provided the replacement is a voluntary action to improve shoreline ecological functions and not to repair structurally hazardous conditions; or

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4. Replacement of any solid decking with materials, such as grating, that allow at least 40 percent light to transmit through the material, and where the repair work does not include replacement of substructure;
- E. Where repair or maintenance to a nonconforming pier or dock involves repairing multiple elements of the structure during any 18 consecutive month period, the cost for the entire repair, including those repair actions prescribed in MMC 20.65.060(D) shall be subject to the nonconforming regulations set forth in MMC 20.66.090, except those repair actions prescribed in MMC 20.65.060(D)(1) and (3) shall not be included in replacement cost calculations.

### **20.65.100 Covered moorage.**

The following requirements apply to covered moorage:

- A. Covered moorage structures are permitted pursuant to the use table in MMC 20.62.030 provided they are accessory to a pier or dock;
- B. Table 20.65.100(B) sets forth the dimensional and design standards for covered moorage structures:

**Table 20.65.100(B) Covered Moorage Dimensional & Design Standards**

Description	Dimensional & Design Standard
<b>Location</b>	
Covered moorage building envelope	A covered moorage structure shall be located within the building envelope prescribed in MMC 20.65.100(C)
<b>Maximum number</b>	
Covered moorage	One covered moorage structure per pier or dock
<b>Maximum Over water coverage</b>	
Single	500 square feet.
Shared/ Joint Use (all)	750 square feet.
<b>Minimum Side Property Line Setback</b>	
Single property owner/ public facilities	12 feet
Shared/ Joint-use facility where straddling a common property line between the property owners	None
Shared/ Joint-use Facility where not straddling a common property line between the property owners	12 feet
<b>Height</b>	
Maximum height of covered moorage above plane of the ordinary high water line	16 feet
Minimum height of covered moorage above the plane of the ordinary high water line	8 feet

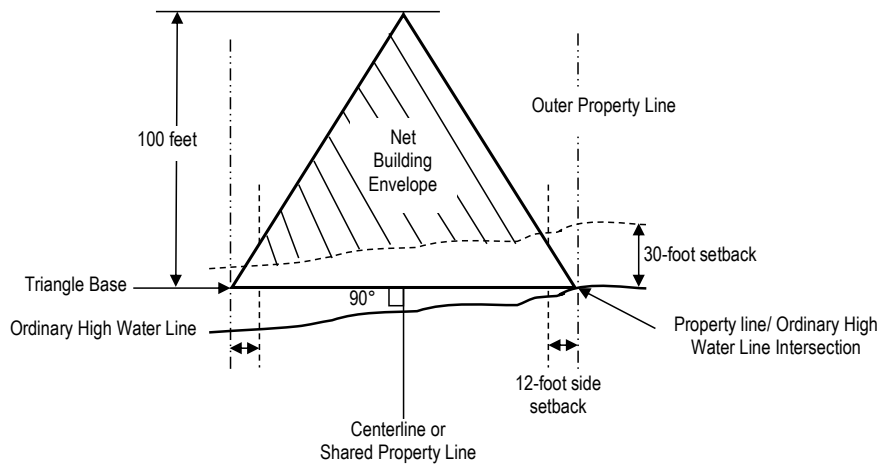


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Other standards	
Cover Materials	<ul style="list-style-type: none"> <li>Roof must be made of translucent materials</li> </ul>

- C. Table 20.65.100(B) covered moorage building envelope: The covered portion of a moorage for an individual or shared/ joint-use pier or dock shall be located inside of a covered moorage building envelope established in the following manner and illustrated in Figure 20.65.100(C):
- The covered moorage building envelope shall be formed as an equilateral or isosceles triangle;
  - The base of the triangle is formed by:
    - The two outer most property lines intersecting the ordinary high water line being continued waterward in a straight line; and
    - A centerline is created by either:
      - Equally bisecting the distance between the two outer property lines; or
      - Where a shared/ joint-use pier or dock straddles a shared property line, the shared property line is the centerline; and
    - The triangle base is created by extending a straight line between the two outer property lines that runs perpendicular to the centerline and has at least one end affixed to the point most waterward where the ordinary high water line intersects a property line;
  - The altitude of the triangle is formed along the centerline created in MMC 20.65.100(C)(2)(b);
  - The two remaining sides of the triangle are formed by extending straight lines from each of the points where the base intersects the property lines to a point on the altitude that is 100 feet waterward from where the centerline intersects the baseline; and
  - Covered moorage structures shall be at least 30 feet waterward from the ordinary high water line and nine feet of water depth, unless water depth is waived pursuant to MMC 20.65.100(D); and
  - The minimum side property line setbacks set forth in Table 20.65.100(B) apply.

**Figure 20.65.100(C) Covered Moorage Building Envelope**



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- D. The Director may waive the requirement for minimum water depth where the following conditions exist:
1. Compliance with the water depth is not feasible without the need for a shoreline variance;
  2. No reasonable alternative exists due to the bathymetry and/ or existing overwater structures on adjacent properties; and
  3. A minimum water depth of five feet is maintained.
- E. Mitigation shall be provided in a 1:1 ratio by area for all new overwater coverage. Preferred forms of mitigation, but not limited to, are as follows:
1. Replacing solid decking with grated decking consistent with Table 20.65.040;
  2. Planting a mix of native vegetation adjacent to the ordinary high water line;
  3. Planting emergent vegetation waterward of the ordinary high water line, if feasible; or
  4. Removal of existing hardened shoreline stabilization.

### 20.65.120 Boatlifts.

The following requirements apply to boatlifts and canopies:

- A. Boatlifts are permitted pursuant to the use table in MMC 20.62.030 provided they are accessory to a pier or dock;
- B. Table 20.65.120 sets forth the dimensional and design standards for boatlifts and canopies:

**Table 20.65.120 Boatlift Dimensional & Design Standards**

Description	Dimensional & Design Standards
<b>Location</b>	
Maximum distance waterward of the ordinary high water line	Not more than 100 feet, except as allowed pursuant to MMC 20.65.120(C) <sup>1</sup>
Minimum distance waterward of the ordinary high water line	Not less than 30 feet and 9 feet of water depth, unless water depth is waived pursuant to MMC 20.65.120(D) <sup>1</sup>
<b>Maximum Number</b>	Three (3) freestanding or deck-mounted boatlifts and/ or jet ski lifts allowed per single-family dwelling that share the pier or dock
<b>Minimum Side Property Line Setback</b>	
Single property owner/ public facility	12 feet
Shared/ Joint-use facility where straddling a common property line between the property owners	None
Shared/ Joint-use facility where not straddling a common property line between the property owners	12 feet
<b>Boatlift canopies</b>	
Canopy materials	<ul style="list-style-type: none"> <li>• Translucent materials</li> <li>• Canopy frame must be mounted and attached to the boatlift, not to a platform piling or pier</li> </ul>

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Maximum number	Only one canopy can be installed per residential overwater structure, excluding covered moorage allowed pursuant to MMC 20.65.100
Maximum height of the canopy above the plane of the ordinary high water line	16 feet
Minimum height of the lowest edge of the canopy above the plane of the ordinary high water line	8 feet
<b>Other Standards</b>	
Fill material	<p>Must be clean rock or pre-cast concrete blocks provided:</p> <ul style="list-style-type: none"> <li>• The fill is necessary to anchor the boatlift;</li> <li>• Substrate prevents the embedment of anchoring devices; and</li> <li>• The quantity of fill material is the minimum necessary to anchor the boatlift</li> </ul>
Mitigation	<p>Mitigation shall be provided <del>consistent with the U.S. Army Corps of Engineers requirement for watercraft lift mitigation set forth in the Regional General Permit 1 for Watercraft Lifts in the Lake Washington and Lake Sammamish Systems and subsequent renewals for overwater platform boat lifts that increase overwater coverage.</del></p>
<p>Notes:</p> <p><sup>1</sup> See MMC 20.65.040(D) for measuring distance</p>	

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- C. Where an existing pier or dock exceeds 100 feet in length, a boatlift may be located beyond the maximum distance set forth in Table 20.65.120 provided:
  1. No point of the boatlift extends waterward further than the farthest point of the pier or dock measured from ordinary high water line;
  2. Placement of the boatlift does not include installing a platform, finger or similar structure that would be located beyond the maximum distance set forth in Table 20.65.120;
  3. The placement of the boatlift will not create obstacles to access and navigation by nearby property owners; and
  4. The nonconformity of the existing pier or dock is not abandoned as prescribed in MMC 20.66.090.
- D. The Director may waive the requirement for minimum water depth where the following conditions exist:
  1. Compliance with the water depth is not feasible without the need for a shoreline variance;
  2. No reasonable alternative exists due to the bathymetry and/ or existing overwater structures on adjacent properties; and
  3. A minimum water depth of five feet is maintained.

### 20.65.200 Shoreline Stabilization – general provisions.

Shoreline stabilization measures are used to typically address erosion impacts to property caused by natural processes such as water currents, floods, tides, wind, and/ or wave actions. They can

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- vary from nonstructural measures to structural measures and from soft measures to hard measures. The following requirements apply to all shoreline stabilization measures:
- A. New development should be located and designed to the extent feasible to avoid future needs for shoreline stabilization measures;
  - B. New development shall be prohibited where shoreline stabilization measures will cause significant impacts to adjacent or down-current properties and shoreline areas;
  - C. Shoreline stabilization shall not:
    1. Significantly interfere with normal surface and/ or subsurface drainage; and
    2. Cause a hazard to navigation;
  - D. Where a property contains steep slopes and/ or buffers near the shoreline, new development shall be setback sufficiently to ensure shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by geotechnical analysis;
  - E. When subdividing land into building lots, the division shall be done in a manner that the new lots created will not require structural shoreline stabilization for reasonable development to occur, as demonstrated by geotechnical analysis;
  - F. Publicly financed or subsidized shoreline stabilization shall not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to shoreline ecological functions;
  - G. Table 20.65.200 provides a user's guide of the key requirements for shoreline stabilization measures (the table is informational only):

**Table 20.65.200 Guide to Key Shoreline Stabilization Measures**

Shoreline Stabilization Measures	Summary of Requirements
Nonstructural and Structural Methods	<ul style="list-style-type: none"> <li>• Nonstructural methods preferred</li> <li>• Structural allowed if need is demonstrated</li> <li>• Soft measures considered before hard measures</li> </ul>
New or Enlargement	<ul style="list-style-type: none"> <li>• Allowed when primary structure or single family dwelling is 10 feet or less from the ordinary high water line</li> <li>• Allowed when primary structure or single family dwelling is more than 10 feet with geotechnical analysis demonstrating need</li> <li>• Requires mitigation planting for hard measures</li> </ul>
Replacement	<ul style="list-style-type: none"> <li>• Existing may be replaced with similar</li> <li>• Hard measures may be replaced with soft measures</li> <li>• Existing may be replaced with different hard measures if the replacement measures significantly improves shoreline ecological functions</li> <li>• When existing primary structure or use is more than 10 feet from the ordinary high water line, requires a written narrative that provides a demonstration of need</li> <li>• Existing structure is not enlarged</li> </ul>
Repair	<ul style="list-style-type: none"> <li>• Repair is to 75 percent or less of the linear length of structure at or below the ordinary high water line</li> <li>• Structure is not moved or enlarged</li> </ul>

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H. The following is a list of examples of shoreline stabilization measures that range from nonstructural too soft to hard structural measures:

- Vegetation enhancement;
- Upland drainage control;
- Biotechnical measures;
- Beach enhancement including logs and large rocks;
- Anchor trees;
- Gravel placement;
- Rock revetments;
- Gabions;
- Concrete groins;
- Retaining walls and bluff walls; and
- Bulkheads.

Commented [MT15]: Section 5 comment 10

### 20.65.210 Structural shoreline stabilization – all.

The following requirements apply to all structural shoreline stabilization measures:

- A. Where structural shoreline stabilization is allowed, soft measures such as bioengineering or biotechnical measures shall be used unless it can be demonstrated such measures are not sufficient at protecting primary structures or dwellings, in which case hard measures may be used; and
- B. Structural shoreline stabilization measures shall be limited to the minimum necessary.

### 20.65.220 Structural shoreline stabilization – new and enlargements.

New structural shoreline stabilization, and additions to or increases in size of existing structural shoreline stabilization are allowed under the following conditions:

- A. To protect an existing primary structure including single-family dwellings where the closest point of the exterior walls of the building are a distance of 10 feet or less from the ordinary high water line.
- B. To protect existing primary structures including single-family dwellings where the distance from the ordinary high water line is greater than 10 feet provided:
  1. On-site drainage has been directed away from the shoreline edge first;
  2. Geotechnical analysis pursuant to MMC 20.65.270 provides conclusive evidence that the structure or dwelling is in danger from shoreline erosion caused by tidal action, currents and waves; and
  3. The structural shoreline stabilization will not result in a net loss of shoreline ecological functions pursuant to the analysis in MMC 20.66.010.
- C. To support a new non-water-dependent development, including single family dwellings provided:
  1. Shoreline erosion is not being caused by upland conditions, such as the loss of vegetation and drainage;
  2. Geotechnical analysis pursuant to MMC 20.65.270 demonstrates a need to protect the primary structure from damage due to erosion caused by natural processes such as tidal actions, current and waves;
  3. Nonstructural measures such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient in protecting the primary structure; and
  4. The structural shoreline stabilization will not result in a net loss of shoreline ecological functions pursuant to the analysis in MMC 20.66.010.

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- D. To support a water-dependent development provided:
1. Shoreline erosion is not being caused by upland conditions, such as the loss of vegetation and drainage;
  2. Geotechnical analysis pursuant to MMC 20.65.270 demonstrates a need to protect primary structures from damage due to erosion;
  3. Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient in protecting primary structures; and
  4. The structural shoreline stabilization will not result in a net loss of shoreline ecological functions pursuant to the analysis in MMC 20.66.010.
- E. To protect projects for the restoration of shoreline ecological functions provided:
1. Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient;
  2. The structural shoreline stabilization will not result in a net loss of shoreline ecological functions pursuant to the analysis in MMC 20.66.010.
- F. Mitigation shall be provided pursuant to MMC 20.65.260.
- G. Primary structures shall include appurtenances such as detached garages, cabanas and beach houses, but do not include, storage sheds, playhouses, greenhouses, swimming pools, spas and other ancillary residential improvements.

### **20.65.230 Structural shoreline stabilization – replacement of existing.**

Where modification of existing structural shoreline stabilization does not constitute repair under MMC 20.65.240, modification may be allowed under the following conditions:

- A. Replacement of existing structure. Existing structure may be replaced provided:
1. The existing structure cannot adequately perform a shoreline stabilization function;
  2. Replacement involves constructing new structure to replace existing structure;
  3. Replacement structure is with similar structure including using soft measures to replace hard measures;
  4. Replacement structure does not increase the height, width, length, or depth of the existing structure, except as may be necessary to implement soft structural stabilization (other replacements that enlarge the existing structure are subject to the provisions set forth in MMC 20.65.220);
  5. Replacement structure does not intrude further waterward of the ordinary high water mark, except as allowed pursuant to WAC 173-26-231(3)(a)(iii)(C) and amendments thereto;
  6. Replacement structure is designed, located, sized and constructed to assure no net loss of shoreline ecological functions per an analysis in MMC 20.66.010;
  7. A demonstration of need is provided pursuant to MMC 20.65.270 showing the shoreline stabilization structure is necessary to protect principal use or structure from erosion caused by currents, tidal action or waves, except this requirement does not apply:
    - a. If the principal use or structure is located 10 feet or less from the ordinary high water line; or
    - b. If soft measures are used to replace hard structure that results in significant restoration of shoreline ecological functions or processes;
- B. In addition to MMC 20.65.230(A), replacement of an existing structural shoreline stabilization may be authorized if:
1. The replacement is for the purpose of significantly improving one or more shoreline ecological functions (e.g. replacing a bulkhead built with toxic materials with non-toxic materials) and not because the existing structure can no longer adequately serve its purpose; and

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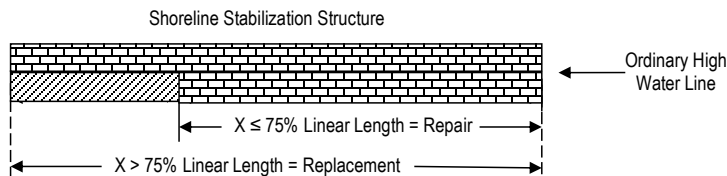
2. An analysis is prepared by a qualified professional evaluating the effects of the existing structure on shoreline ecological functions and the change a replacement structure will have on shoreline ecological functions consistent with MMC 20.65.230(B)(1); and
3. The replacement structure does not increase the height or length of the existing structure; and
4. The requirements in MMC 20.65.230(A)(2), (5), (6) and (7) are applied.

### 20.65.240 Structural shoreline stabilization – repair of existing.

Existing structural shoreline stabilization may be repaired provided:

- A. The repair involves 75 percent or less of the linear length of the structure at or below the ordinary high water line provided work above the high water line shall not count towards the linear length of the structure being repaired;
- B. Total repair over any continuous eight year period of the structure exceeding 75 percent linear length of the structure at or below the ordinary high water line shall be subject to the requirements for replacement set forth in MMC 20.65.230;
- C. The repaired structure is located in the same place as the existing structure; and
- D. The repair does not increase the height, width, length, or depth of the existing structure (repairs that enlarges the existing structure are subject to the provisions set forth in MMC 20.65.220).

**Figure 20.65.240 Repair Threshold Diagram**



### 20.65.250 Structural shoreline stabilization – design requirements.

The following design standards apply to structural shoreline stabilization measures:

- A. For hard structural shoreline stabilization:
  1. When connecting ends of the structure to adjoining areas without hard shoreline stabilization, the connection should be in a manner as to not cause erosion of the adjoining areas;
  2. When connecting ends of the structure to other hard shoreline stabilization, the connection shall not result in a net intrusion into the lake nor create net upland area;
  3. Fill material landward of the shoreline stabilization shall not exceed an average of one cubic yard of material for each linear foot of hard shoreline stabilization, except as provided for in MMC 20.65.500 (Fill) and MMC 20.65.600 (Land Surface Modification);
- B. For soft structural shoreline stabilization:
  1. End connection shall be to existing contours or hard structural shoreline stabilization to prevent erosion at the edges; and
  2. Size and the arrangement of gravel, cobbles, logs and boulders shall be in a manner that improvements remain stable long-term and dissipate wave energy, without presenting extended linear faces to oncoming waves; and
- C. For both hard and soft structural shoreline stabilization, materials shall be the minimum sizing necessary to dissipate wave energy, eliminate scour, and provide long-term shoreline stability.

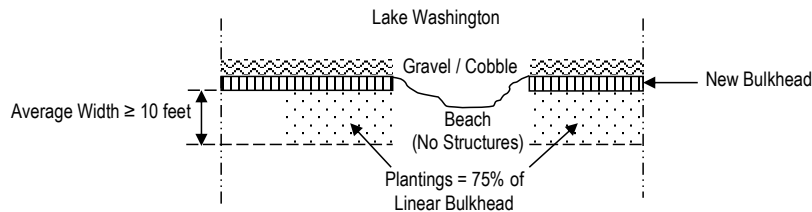
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### 20.65.260 Hard structural shoreline stabilization mitigation requirements.

All proposals for new hard structural shoreline stabilization, including additions to and increases in the size of existing hard structural shoreline stabilization, must provide the following shoreline enhancements:

- A. Improve shallow water habitat by installing waterward of the ordinary high water line gravel, cobble, or similar rocky beach material meeting the following conditions:
  1. Maximum grade of one vertical to four horizontal (1:4); and
  2. Sediment sizes that are predominately 1/8-inch to 2-inch or a mix of sediment sizes that
    - a. Meets the goal of improving wildlife habitat prescribed by this subsection; and
    - b. Will reduce the need for maintenance due to high energy wave actions.
- B. Install a vegetative planting area in accordance with the following (see diagram in Figure 20.65.260):
  1. The planting area shall extend along at least 75 percent of the linear landward -edge of the stabilization structure;
  2. The average width shall be a minimum of 10 feet with no measurement less than five feet measured from the landward edge of the shoreline stabilization structure;
  3. Planting shall consist of native species with at least 50 percent of the area planted with bushes and shrubs; and
  4. Plantings shall be installed at densities appropriate for the plant species to achieve the necessary ground coverage and shall be designed to improve habitat functions; or

**Figure 20.65.260 Diagram of Enhancements for New Hard Shoreline Stabilization**



- C. In lieu of the enhancements required set forth in MMC 20.65.260(A) and (B), the City shall accept alternative enhancement approved by state and federal agencies provided:
  1. The alternative enhancement shall provide at least as effective protection of shoreline ecological functions as the required mitigation; and
  2. An alternative enhancement plan is prepared by a qualified professional;
- D. All enhancements shall include plans for maintenance and monitoring acceptable to the City and prepared by a qualified professional including, but not limited to, the following:
  1. An outline of the schedule for site monitoring;
  2. Performance standards, including, but not limited to, 100 percent survival of newly planted vegetation within two years of planting, and 80 percent for years three or more;
  3. Contingency plans identifying courses of action and any corrective measures to be taken if monitoring indicates performance standards have not been met;
  4. The period of time necessary to establish performance standards have been met; not to be less than three years; and



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- E. The City may require a financial security pursuant to MMC 20.66.120 as a guarantee that the enhancements, maintenance and monitoring are completed to the satisfaction of the City; and
- F. Enhancement measures shall be incorporated as necessary to avoid, or if that is not possible, to minimize adverse impacts.

### **20.65.270 Structural shoreline stabilization – limitations on authorization.**

- A. Structural shoreline stabilization is not authorized except as follows:
  - 1. For hard structural measures a geotechnical analysis must demonstrate that there is a significant possibility that a primary structure or single-family dwelling will be damaged within three years as a result of shoreline erosion in the absence of such measures; or
  - 2. For soft structural measures a geotechnical analysis must demonstrate that there is significant possibility that a primary structure or single-family dwelling will be damaged as a result of shoreline erosion in the absence of such measures, but the need does not have to be as immediate as three years; or
  - 3. Replacement under MMC 20.65.230 where a need is demonstrated pursuant to MMC 20.65.270(C).
- B. Where geotechnical analysis is required under MMC 20.65.220, the analysis shall be prepared by a qualified professional with the following information:
  - 1. An assessment of erosion potential including rates of erosion and estimated time frames of erosion from waves or other natural processes in the absence of shoreline stabilization;
  - 2. An assessment of the processes causing the erosion including on-site drainage both waterward and landward of the ordinary high-water mark;
  - 3. An assessment of the risk shoreline erosion might cause damage to primary structures and single-family dwellings in the absence of structural shoreline stabilization;
  - 4. An assessment of the urgency and necessity for structural shoreline stabilization considering site specific conditions pursuant to MMC 20.65.270(A);
  - 5. An assessment of the feasibility of using soft structural shoreline stabilization measures in lieu of hard measures; and
  - 6. Narrative on design recommendations for minimizing the use of shoreline stabilization materials and to assure no net loss of shoreline ecological functions.
- C. Where a demonstration of need is required under MMC 20.65.230, the following shall be provided:
  - 1. A written narrative that demonstrates a need for the shoreline stabilization structure that is prepared by a qualified professional (e.g. shoreline designer or a consultant familiar with lakeshore processes and shore stabilization), but not necessarily a licensed geotechnical engineer;
  - 2. The content of the narrative shall include the following:
    - a. An assessment of the necessity for structural stabilization to protect principal use or structure, considering site-specific conditions such as water depth, orientation of the shoreline, wave fetch, and location of the nearest structure;
    - b. An assessment of erosion potential resulting from the action of waves or other natural processes operating at or waterward of the ordinary high water mark in the absence of structural shoreline stabilization;
    - c. An assessment of the feasibility of using soft structural stabilization measures in lieu of hard structural shoreline stabilization measures; and
    - d. Design recommendations for minimizing impacts and ensuring that the replacement structure is designed, located, sized and constructed to assure no net loss of shoreline ecological functions.

### **20.65.280 Submittal requirements for structural shoreline stabilization.**

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- A. The following are general submittal requirements for proposals involving structural shoreline stabilization:
  1. Plan and cross-section views of the existing and proposed shoreline configuration showing accurate existing and proposed topography and the ordinary high-water mark;
  2. Detailed construction sequence and specifications for all materials with the sizing and placement of materials select to accomplish the following:
    - a. Protect the property and structures from erosion and other damage over the long term, and accommodate the normal amount of alteration from wind- and boat-driven waves;
    - b. Allow safe passage and migration of fish and wildlife; and
    - c. Minimize or eliminate juvenile salmon predator habitat;
  3. Where applicable, geotechnical analysis or narrative evaluating need;
  4. Where applicable, no net loss analysis; and
  5. Where applicable, enhancement plans and monitoring and maintenance reports;
- B. The provisions of this section shall not limit the City's ability to establish additional submittal requirements consistent with MMC 20.80.80 and other provisions of the Medina Municipal Code.

### **20.65.300 Dredging and disposal.**

The following requirements apply to dredging:

- A. New development should be placed and designed to avoid or if that is not possible, to minimize the need for new and/ or maintenance dredging;
- B. Dredging waterward of the ordinary high water mark for the primary purpose of obtaining fill material is prohibited, except where the material is necessary for the restoration of shoreline ecological functions and processes;
- C. Dredging for the purpose of establishing, expanding, or relocating or reconfiguring navigation channels and basins is allowed pursuant to the use table in MMC 20.62.030 provided:
  1. The dredging is necessary for safe and efficient accommodation of existing navigational uses;
  2. Significant ecological impacts are minimized;
  3. Mitigation is provided consistent with MMC 20.65.300(E);
- D. Dredging for the purpose of maintaining existing navigation channels and basins, existing private or public boat moorage, water-dependent uses, or other public access may be allowed pursuant to the use table in MMC 20.62.030 provided it is limited to previously dredged and/ or existing authorized locations, depth and width;
- E. Dredging and dredge material disposal shall be done in a manner which avoids or minimizes significant ecological impacts and impacts which cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions pursuant to an analysis in MMC 20.66.010;
- F. Dredging operations must be designed and scheduled to:
  1. Avoid impacts to fish, including fish rearing, feeding and spawning;
  2. Use techniques that minimize dispersal of bottom materials; and
  3. Prevent direct and indirect adverse impacts on adjacent properties;
- G. Where dredging is allowed for restoration of shoreline ecological functions, the site where the fill is to be placed must be located waterward of the ordinary high water mark;
- H. Project permit application submittals for dredging should include the following information:
  1. A written description of the purpose for the dredging;
  2. Site plan drawing outlining the area proposed for dredging including water depth based on the Corp of Engineer's high water mark for Lake Washington;

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3. A written description of the scope of work to be performed including dredging methods, timelines, and volume;
4. Habitat survey identifying aquatic vegetation, potential native fish spawning areas, or other physical and biological habitat parameters;
5. Information on disposal;
6. Anticipated future dredging, if applicable;
7. Copies of state and federal applications and/ or approvals; and
8. Other relevant information requested by the Director.

### 20.65.400 Breakwaters, jetties, groins and weirs

- A. Breakwaters, jetties, groins, and weirs located waterward of the ordinary high water mark shall be allowed only where necessary to support public water-dependent uses, public access, other specific public purpose or **public or private** restoration activities.
- B. Where a breakwater, jetty, groin or weir is installed to protect or restore shoreline ecological functions, the requirement for a conditional use permit is waived.
- C. Breakwaters, jetties, groins and weirs shall be designed to protect critical areas and shall provide mitigation according to the mitigation sequencing defined in MMC 20.66.020.

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### 20.65.500 Fill.

- A. Fill waterward of the ordinary high water mark is allowed pursuant to the use table in MMC 20.62.030 provided the fill is necessary to support:
  1. Water-dependent use;
  2. Public access;
  3. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;
  4. Disposal of dredged material considered suitable under, and conducted in accordance with the dredged material management program of the department of natural resources;
  5. Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline where it can be demonstrated that alternatives to fill are not feasible; and
  6. Mitigation action, environmental restoration, beach nourishment or enhancement project;
- B. Fill landward of the ordinary high water mark shall comply with the requirements in MMC 20.65.600 (Land Surface Modification).
- C. All fill shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes and shall not cause:
  1. Significant damage to water quality, fish and aquatic habitat, and/ or wildlife habitat; and
  2. Adversely alter natural drainage patterns.

### 20.65.600 Land surface modification.

The provisions of this section apply to land surface modification occurring landward of the ordinary high water mark.

- A. Applicability:
  1. Land surface modification includes, but is not limited to grading, excavation and fill activity; and
  2. The requirements set forth in this section are applied in conjunction with other provisions of the Medina Municipal Code, including grading and drainage requirements and other applicable provisions of the shoreline master program.
- B. The following requirements apply to land surface modifications:

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1. All excess materials must be disposed of in a manner that prevents entry in to Lake Washington; including by erosion or surface water runoff;
  2. Materials such as dirt and rocks used in construction must be stored as far as reasonably possible from the ordinary high water line to prevent erosion and surface water runoff from entering into the lake and shall incorporate best management practice measures;
  3. Any large quantities of vegetation removal shall be collected and disposed of in a manner to prevent negative impacts to the shoreline environment; and
  4. No vegetation or other enhancements installed as part of a restoration plan or mitigation shall be removed, unless approved by the City as part of a modified restoration plan or mitigation.
- C. Land surface modification involving the importing of fill material must consist of non-dissolving and non-decomposing materials, and shall not be detrimental to water quality or existing habitat, or create any other significant adverse impacts to the environment.

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### Chapter 20.66 General Shoreline Regulations

#### Sections:

20.66.000	Applicability of chapter.
20.66.010	No net loss of shoreline ecological functions analysis.
20.66.020	Mitigation sequencing.
20.66.030	Federal and state approval.
20.66.040	Public access.
20.66.050	Shoreline vegetation management.
20.66.060	Water quality, surface water runoff, and non-point pollution.
20.66.070	In-water construction.
20.66.080	Archeological and historical resources.
20.66.090	Nonconforming development.
20.66.100	Parking.
20.66.110	Lighting.
20.66.120	Financial guarantees.
20.66.130	Emergency actions.

#### **20.66.000 Applicability of chapter.**

The regulations in this chapter apply to all uses, developments and activities within the shoreline jurisdiction.

#### **20.66.010 No net loss of shoreline ecological functions analysis.**

- A. At the project level, the requirement for no net loss of shoreline ecological functions is a balancing of unavoidable shoreline ecological function losses with replacement for those losses so that further reduction to shoreline ecological functions or ecosystem-wide processes may be prevented.
- B. To assure no net loss of shoreline ecological functions, applicants must demonstrate a reasonable effort to analyze environmental impacts from a proposal and include measures to mitigate impacts to shoreline ecological functions.
- C. A written analysis of no net loss of shoreline ecological functions is required when any of the following circumstances are present:
  1. Where a proposed use or activity is not provided in the shoreline master program, including shoreline conditional uses for unclassified uses and shoreline variances;
  2. Where regulations reference a requirement for an analysis of no net loss of shoreline ecological functions; or
  3. Where alternative compliance or mitigation measures other than those contained within the shoreline master program are proposed.
  4. Analysis of no net loss of shoreline ecological functions is not required where specific standards are provided such as setbacks, pier dimensions and tree planting, unless the standard specifically references this Section.
- D. A written analysis of no net loss of shoreline ecological functions shall include the following:
  1. A description of the existing conditions, functions and values of the affected shoreline;
  2. A demonstration that mitigation sequencing has been applied pursuant to MMC 20.66.020, except MMC 20.66.020(A)(1) shall not be used to deny a use or activity specifically authorized by the shoreline master program;
  3. Where avoiding the impacts altogether is not feasible, the analysis shall include descriptions of the following:

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- a. Anticipated impacts to shoreline ecological functions;
  - b. Goals and objectives related to the functions and values of the impacted shoreline ecological functions for achieving no net loss;
  - c. Proposed mitigation actions and how these relate to the goals and objectives; and
  - d. Measurable criteria for evaluating whether or not the no net loss standard has been achieved.
4. Modifications to the required content may be approved if the Director determines that more or less information is necessary to adequately address demonstrating a no net loss of shoreline ecological functions.
- E. The written analysis of no net loss shall evaluate the feasibility of each mitigation sequence to determine the appropriate mitigation action during the construction and operation of a proposal.
- F. Mitigation actions shall have the lower priority measures applied only where higher priority measures are determined to be infeasible or not applicable. Failure to demonstrate that the mitigation sequencing standards have been met may result in a permit being denied.

### **20.66.020 Mitigation sequencing.**

- A. Applicants must demonstrate that all reasonable efforts have been examined with the intent to avoid or if that is not possible, minimize and then mitigate for impacts to shoreline ecological functions. Where a no net loss of shoreline ecological functions analysis is required pursuant to MMC 20.66.010, an applicant shall follow mitigation sequencing outlined as follows in order of preference with one being the highest and six being the lowest preference:
1. Avoiding the impact altogether: Avoiding impacts means not taking an action or part of an action in order to prevent impacts to shoreline ecological functions such as moving structures further away from properly functioning shoreline areas, using different landscaping plants or techniques, substituting a less impactful use, or redesigning the proposal altogether;
  2. Minimizing the impact by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
  3. Rectifying impacts by repairing, rehabilitating, or restoring the affected environment;
  4. Reducing or eliminating impacts over time by preservation and maintenance operations;
  5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
  6. Monitoring the impact and the compensation projects and taking appropriate corrective measures.
- B. Application of the mitigation sequencing should not result in required mitigation in excess of that necessary to assure no net loss of shoreline ecological functions and values.
- C. Where different mitigation measures are available to compensate for an impact, an applicant may use a benefit-cost analysis to assist them in selecting mitigation measures provided:
1. Mitigation sequencing in MMC 20.66.020(A) is followed and the no net loss of shoreline ecological functions and values standard is satisfied; and
  2. The benefit-cost analysis is not used to undermine the mitigation sequencing of avoidance, minimization or mitigation of ecological impacts anticipated by proposed development.

### **20.66.030 Federal and state approval.**

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- A. All work at or waterward of the ordinary high water line requires permits or approvals from one or more of the following state and federal agencies: U.S. Army Corps of Engineers, Washington State Department of Fish and Wildlife, Washington State Department of Natural Resources, or Washington State Department of Ecology.
- B. If structures are proposed to extend waterward of the inner harbor line, the applicant must obtain an aquatic use authorization from the Washington State Department of Natural Resources and submit proof of authorization with submittal of a building permit.
- C. Documentation verifying necessary state and federal agency approvals must be submitted to the City prior to issuance of construction permits affecting shoreline areas.

### 20.66.040 Public access.

- A. Public access is required for the following:
  1. Shoreline development by public entities involving public lands including, but not limited to the City, state agencies and public utility districts; and
  2. Residential development of five or more new dwelling units being constructed; and
  3. Subdivision of land into five or more lots.
- B. Public access may be in the form of any of the following:
  1. Physical access such as trails, walkways, piers and docks, swimming area and parks; or
  2. Visual access such as view platforms or view corridors; or
  3. A combination of physical and visual access; or
  4. Visual access shall not include the excessive removal of trees or native vegetation by topping or clearing.
- C. Public access shall incorporate the following elements:
  1. A physical connection to the nearest public street by dedication of land or easement;
  2. Use of environmentally friendly materials and techniques such as low impact development, if feasible;
  3. Signage indicating the public's right of access and hours of access;
  4. Landscaping including vegetative screening for adjacent residential development; and
  5. Barrier free features for ADA accessibility, if feasible.
- D. All improvements associated with public access shall be designed to assure no net loss of shoreline ecological functions will result.
- E. Where public access is required, it shall be fully developed and available for use by the public at the time of occupancy or use of the development.
- F. The Director may waive the requirement for public access under the following conditions:
  1. The applicant demonstrates the public access is infeasible due to reasons of incompatible uses, safety, security, or adverse impacts to the shoreline environment, or due to constitutional or other legal limitations; and
  2. The applicant demonstrates reasonable alternatives are not available such as limiting hours, off-site improvements, or placement and design elements.

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### 20.66.050 Shoreline vegetation management.

- A. Applicability.
  1. This section is applied in conjunction with other provisions of the Medina Municipal Code and the Shoreline Master Program affecting shoreline vegetation such as plant clearing, tree trimming and removal, earth grading, vegetation restoration, and similar provisions.
  2. This section shall serve as the minimum requirements for vegetation management within the shoreline jurisdiction to assure no net loss of shoreline ecological functions as a result of new development activity.

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3. Pursuant to MMC 20.60.070, where other regulations impose a requirement different from this section, the regulation that provides the greater protection to shoreline ecological functions and aquatic habitat shall prevail.
4. Shoreline vegetation management standards shall not apply retroactively to existing legally established uses and developments. In the absence of a development proposal, existing, lawfully established landscaping and gardens within shoreline jurisdiction may be maintained in their existing condition including, but not limited to, mowing lawns, weeding, removal of noxious and invasive species, harvesting and replanting of garden crops, pruning and replacement planting of ornamental vegetation or indigenous native species to maintain the condition and appearance of such areas as they existed prior to adoption of this shoreline master program, provided this does not apply to areas previously established as native growth protection areas, mitigation sites, or other areas protected via conservation easements or similar restrictive covenants.

### B. Vegetation Management.

1. Vegetation clearing shall be limited to the minimum necessary to accommodate approved shoreline development that is consistent with other provisions of this shoreline master program.
2. Native vegetation shall be maintained whenever reasonably feasible. The City may impose reasonable conditions on the proposal to maximize native vegetation retention.
3. Development or uses that require vegetation clearing shall be designed, to the extent feasible, to avoid the following in the order indicated with (a) being the most desirable vegetation to retain:
  - a. Native trees 24 inches DBH and greater;
  - b. Non-native trees 24 inches DBH and greater;
  - c. Native trees less than 24 inches DBH;
  - d. Other native vegetation.
4. Any land surface areas exposed due to development activity shall be re-vegetated to similar conditions or better.
5. Clearing and/ or grubbing of land surface area within a shoreline setback area shall be restored in accordance with the following:
  - a. A restoration plan shall be prepared by a qualified professional;
  - b. The restoration plan shall be designed to:
    - i. Stabilize soil surfaces;
    - ii. Filter water run-off, especially from lawns;
    - iii. Assure no net loss of shoreline ecological functions will result;
  - c. The Director may modify the required content of a restoration plan where the Director determines more or less information is necessary to adequately address potential shoreline impacts and required restoration.
  - d. A restoration plan may be combined with other mitigation requirements provided all conditions and criteria are satisfied.

### C. Tree management.

1. All trees (native and nonnative) shall be preserved within a shoreline setback area, except where removal is authorized and replacement requirements are met as set forth in Table 20.66.050(C).



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**Table 20.66.050(C) Tree Replacement Requirements**

Removed Tree Type		Replacement Requirement
One Conifer Tree	Less than 6 inches DBH	Permitted, provided the vegetation management requirements in MMC 20.66.050(B) are followed; and a native similar size or larger tree is planted or native riparian vegetation is planted equal to or larger than the square footage of the drip line of the tree being removed
	6 inches DBH and greater, but 12 inches DBH and less	Permitted, provided at least one native conifer tree, 6 feet or more in height after planting is planted
	Greater than 12 inches DBH, but less than 24 inches DBH	Permitted, provided at least one native conifer tree, 6 feet or more in height after planting is planted; plus plant 80 square feet of area of native riparian vegetation
	24 inches DBH and greater	Only hazardous trees are permitted to be removed pursuant to the replacement requirements in MMC 20.66.050(D)
One Deciduous Tree	Less than 6 inches DBH	Permitted, provided the vegetation management requirements in MMC 20.66.050(B) are followed; and a native similar size or larger tree is planted or native riparian vegetation is planted equal to or larger than the square footage of the drip line of the tree being removed
	6 inches DBH and greater, but 12 inches DBH and less	Permitted, provided at least one native deciduous tree, at least 3 inches in caliper; or one native conifer tree, 6 feet or more in height after planting, is planted
	Greater than 12 inches DBH, but less than 24 inches DBH	Permitted, provided at least one native deciduous tree, at least 3 inches in caliper, or one native conifer tree, 6 feet or more in height after planting, is planted; plus plant 80 square feet of area of native riparian vegetation
	24 inches DBH and greater	Only hazardous trees are permitted to be removed pursuant to the replacement requirements in MMC 20.66.050(D)

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Trees that fall as a result of natural causes, such as fire, flood, earthquake or storm	Replace with one native conifer or deciduous tree. Conifer trees shall be at least 6 feet in height after planting and deciduous trees shall be at least 3 inches in caliper at the time of planting.
	As an alternative, a fallen tree can be left in place provided conditions are included for the fallen tree to remain in place in perpetuity, including notification measures to future property owners of this restriction

2. Approval of an administrative tree removal permit is required for all trees 6 inches DBH and greater that are proposed for removal within the shoreline jurisdiction, unless a different tree removal permit is prescribed by the Medina Municipal Code.
3. Where Table 20.66.050(C) requires riparian vegetation plantings, at least 60 percent of the plantings shall be shrubs and the area dimensions shall be a minimum of three feet width in all directions at the time of the planting.
4. Tree removal mitigation shall be planted within the shoreline setback area, except the City shall accept an alternative planting plan allowing for mitigation outside of the setback area if the following conditions are met:
  - a. The applicant can demonstrate one of the following:
    - i. It is not feasible to plant all of the required mitigation within the existing setback area, given the existing tree canopy coverage and the location of trees and minimum spacing requirements; or
    - ii. The planting of replacement trees will obstruct existing views to the lake, at the time of the planting or upon future growth that cannot otherwise be mitigated through tree placement or maintenance activities;
  - b. The alternative planting plan is prepared by a professional and provides mitigation equal to or superior to the provisions in this section in maintaining shoreline ecological functions and processes; and
  - c. The alternative planting plan shall include mitigation inside of the shoreline setback to the extent feasible, but consistent with MMC 20.66.050(C)(4), mitigation may be located elsewhere on the property, or at an off-site location; and
  - d. If an off-site location is selected, the applicant must show the mitigation enhances shoreline ecological functions and process and that the enhancement is superior to on-site mitigation.
5. Non-destructive thinning of lateral branches to enhance views or trimming, shaping, thinning or pruning of a tree necessary to its health and growth is allowed consistent with the following standards:
  - a. Pruning/ trimming shall follow American National Standards Institute (ANSI) standards;
  - b. Removal of the tree canopy is limited to not more than one-fourth (1/4) of the original crown, provided removal is consistent with ANSI standards and the removal does not threaten the health and growth of the tree;
  - c. Pruning/ trimming shall not include topping, stripping of branches or creation of an imbalanced canopy, except as allowed per ANSI standards; and
  - d. Pruning/ trimming shall retain healthy branches that overhang the water to the maximum extent feasible.

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D. Hazardous trees. Where a tree within a shoreline setback area poses a significant safety hazard, as determined by the City's arborist following International Society of Arboriculture methods for assessing the risk of a tree found in "A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas", the following shall apply:

1. If the hazardous tree is retained, the tree may be pruned to the extent needed to eliminate the hazard, including converting the tree into a wildlife snag. Pruning shall follow ANSI standards and must be approved by the City's arborist.
2. If the hazardous tree is proposed for removal, mitigation shall be provided as follows:
  - a. If the removed tree is less than 24 inches DBH, mitigation shall be as prescribed for the size of the tree in Table 20.66.050(C);
  - b. For each removed tree that is 24 inches DBH or greater, mitigation shall be provided in the form of two planted native trees meeting the following:
    - i. Each replacement conifer tree shall be at least six feet in height after planting; and/or
    - ii. Each replacement deciduous tree shall be at least three inch caliper at the time of planting.

E. Aquatic Vegetation Removal.

1. Aquatic vegetation control shall only occur when native plant communities and associated habitats are threatened or where an existing water dependent use is restricted by the presence of invasive aquatic vegetation.
2. The control of aquatic vegetation by hand pulling or placement of aqua-screens, if proposed to maintain existing water depth for navigation, shall be considered normal maintenance and repair pursuant to WAC 173-27-040(2)(b). Additionally, control of aquatic vegetation by mechanical methods may qualify as normal maintenance and repair provided the bottom sediment or benthos is not disturbed in the process. If the bottom sediment or benthos is disturbed by mechanical methods, it shall not qualify as normal maintenance and repair under WAC 173-27-040(2)(b).

### 20.66.060 Water quality, surface water runoff, and non-point pollution.

- A. All shoreline development during and after construction shall minimize impacts related to surface runoff through control, treatment and release of surface water runoff such that there is no net loss of receiving water quality in the shoreline environment. Control measures include but are not limited to dikes, runoff intercepting ditches, catch basins, settling wet ponds, sedimentation ponds, oil/water separators, filtration systems, grassy swales, planted buffers, and fugitive dust controls.
- B. Shoreline development and uses shall adhere to all required setbacks, buffers and standards for stormwater storage basins.
- C. All shoreline development shall comply with the applicable requirements of the City's adopted Surface Water Design Manual and all applicable City stormwater regulations.
- D. ~~Where feasible, s~~Shoreline development must implement low impact development techniques pursuant to the standards contained in the adopted Surface Water Design Manual and the Low Impact Development Technical Guidance Manual for Puget Sound or successor.

Commented [AC18]: Section 5 comment 6

### 20.66.070 In-water construction.

The following requirements apply to in-water work, including, but not limited to, installation of new structures, repair of existing structures, restoration projects, and aquatic vegetation removal:

- A. In-water structures and activities shall be placed and designed to avoid the need for future shoreline stabilization activities and dredging, giving due consideration to watershed functions and processes, with special emphasis on protecting and restoring priority habitat and species;

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- B. Removal of existing structures shall be accomplished so the structure and associated material do not re-enter the lake;
- C. Waste material and unauthorized fill, such as construction debris, silt or excess dirt resulting from in-water structure installation, concrete blocks or pieces, bricks, asphalt, metal, treated wood, glass, paper and any other similar material upland of or below the ordinary high water line shall be removed;
- D. Measures shall be taken in advance and during construction to ensure that no petroleum products, hydraulic fluid, cement, sediments, sediment-laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into the lake during in-water activities;
- E. Appropriate spill clean-up materials must be on-site at all times, and any spills must be contained and cleaned immediately after discovery;
- F. In-water work must be conducted in a manner that causes little or no siltation to adjacent areas and shall require a sediment control curtain in those instances where siltation is expected;
- G. Fresh concrete or concrete by-products are not allowed to enter the lake at any time during in-water installation and all forms used for concrete shall be completely sealed to prevent the possibility of fresh concrete from entering the lake;
- H. Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to perform the in-water work and all disturbed areas will be protected from erosion using vegetation or other means; and
- I. If at any time, as a result of in-water work, water quality problems develop, immediate notification shall be made to the Washington State Department of Ecology.

### **20.66.080 Archeological and historical resources.**

The following requirements apply to archaeological and historic resources that are either recorded at the state historic preservation office and/or by local jurisdictions or have been inadvertently uncovered:

- A. Archaeological sites located in and outside shoreline jurisdiction are subject to Chapter 27.44 RCW (Indian graves and records) and Chapter 27.53 RCW (Archaeological sites and records) and development or uses that may impact such sites shall comply with Chapter 25-48 WAC as well as the provisions of the shoreline master program;
- B. If archaeological resources are uncovered during excavation all work shall immediately cease and the City, the Washington State Department of Archaeology and Historic Preservation, and affected Native American tribes shall be immediately notified;
- C. A site inspection or evaluation by a professional archaeologist in coordination with affected Native American tribes shall be required for all permits issued in areas documented to contain archaeological resources;
- D. Significant archaeological and historic resources shall be permanently preserved for scientific study, education and public observation. When the City determines that a site has significant archeological, natural scientific or historical value:
  - 1. No permit authorizing development or land modification shall be issued which would pose a threat to the site; and
  - 2. The development may be required to be redesigned or postponed in such areas to allow investigation of public acquisition potential and/or retrieval and preservation of significant artifacts;
- E. In the event of an emergency as defined in RCW 90.58.030 necessitate rapid action to retrieve or preserve artifacts or data identified the project may be exempted from the permit requirement of these regulations provided the City notifies the Washington State Department

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of Ecology, the Washington State Attorney General's Office and the Washington State Historic Preservation Office of such a waiver in a timely manner;

- F. Identified historical or archaeological resources shall be considered in park, open space, public access, and site planning with access to such areas designed and managed to give maximum protection to the resource and surrounding environment; and
- G. Clear interpretation of historical and archaeological features and natural areas shall be provided when appropriate.

### **20.66.090 Nonconforming development.**

- A. A nonconforming use or development (includes lots and structures) under the shoreline master program means a shoreline use or development which was lawfully constructed or established prior to the effective date of the Act or the shoreline master program, or amendments thereto, but which does not conform to present regulations or standards of the shoreline master program. This section shall be applied as follows:
  - 1. The requirements and thresholds established in this section shall apply to all development regulated under the shoreline master program.
  - 2. The requirements of this section are applied in combination with other sections of the Medina Municipal Code relating to nonconformity, including, but not limited to those prescribed in zoning, and the building and fire codes.
  - 3. A structure for which a shoreline variance has been issued shall be considered a legal nonconforming development and the requirements of this section shall apply as they apply to preexisting nonconformities.
- B. A party asserting the existence of a lawfully established nonconforming lot, structure or use of land has the burden of proof that the lot, structure or use of land was not substandard in meeting the development regulations in effect at its creation.
- C. Nonconforming lots. Lots, tract, parcel, site or division which were created or segregated pursuant to all applicable laws, ordinances and regulations in effect at the time, but that is nonconforming as to the present lot size may be developed so long as such development conforms to other requirements of the shoreline master program. Existing lots are not deemed nonconforming for failure to meet the minimum water frontage or lot width requirements.
- D. Nonconforming uses. The following shall apply to all nonconforming shoreline uses:
  - 1. Any legally established nonconforming use may continue until such time that the rights for the nonconforming use are abandoned pursuant to MMC 20.66.090(D)(3).
  - 2. A nonconforming use may not be expanded nor may the structure containing a nonconforming use be enlarged, except as may be allowed by a shoreline conditional use permit.
  - 3. A nonconforming use shall be determined abandoned and all rights to the nonconforming use lost if:
    - a. The use is changed; or
    - b. The use is discontinued for a period of 6 consecutive months or more; or
    - c. The use is discontinued for a total of 6 months or more during a 12 consecutive month period; or
    - d. A structure housing a nonconforming use experiences substantial destruction or reconstruction, except as provided for in MMC 20.66.090(D)(4).
  - 4. A structure housing a nonconforming use, or used in support of a nonconforming use, that experiences substantially destruction or reconstruction may have the nonconforming use continued provided:
    - a. The substantial destruction and/ or reconstruction is the result of a fire or other casualty not intentionally caused by any owner or tenant of the property, and a complete

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- 1 building permit application is filed with the City within 6-months of such fire, natural  
2 disaster, or casualty event; or
- 3 b. The nonconforming use is eligible for, and the property owner obtains, approval for a  
4 shoreline conditional use permit.
- 5 c. The Director may grant up to a 6 month extension of the time limitation set forth in  
6 MMC 20.66.090(D)(4)(a) provided:
  - 7 i. The property owner requests the extension in writing prior to the expiration of the  
8 time limitation; and
  - 9 ii. The property owner demonstrates extenuating circumstances not of the property  
10 owners own making that delay submission of a building permit application, such  
11 as resolution of an insurance claim.
- 12 5. Ordinary maintenance and repair of a structure housing a nonconforming use, such as  
13 painting or plumbing repair, shall be permitted provided:
  - 14 a. The work is to maintain safe and sanitary conditions and does not result in an  
15 enlargement or expansion of the structure; and
  - 16 b. The work does not result in substantial destruction or reconstruction.
- 17 6. A nonconforming use shall not be changed to another nonconforming use.
- 18 E. Nonconforming structures. The following shall apply to all nonconforming structures:
  - 19 1. Any legally established nonconforming structure may continue until such time that the  
20 rights for the nonconformity are abandoned pursuant to MMC 20.66.090(E)(4).
  - 21 2. Where multiple structures exist on the same lot, the requirements of this section shall  
22 apply to each structure independent of the other structure on the same lot; except where  
23 the nonconformity is due to structural coverage, the requirements of this section shall  
24 apply to the combined structural coverage of all structures on the same lot as if they were  
25 one structure.
  - 26 3. A nonconforming structure may be enlarged, extended, repaired, remodeled, or  
27 structurally altered provided the work does not increase the nonconformity; except  
28 nonconformity may be increased if:
    - 29 a. A minor deviation is approved to match an existing nonconforming setback or  
30 nonconforming height provided an analysis is completed pursuant to MMC 20.66.010  
31 demonstrating that the addition of new structure will not result in a net loss of shoreline  
32 ecological functions; or
    - 33 b. An intrusion into a setback, or additional structural coverage exceeding the shoreline  
34 maximum, is determined by the City to be reasonably necessary and the minimum  
35 necessary to improve access for elderly or disabled persons.
  - 36 4. Except as provided for in MMC 20.66.090(E)(6), a nonconforming structure shall be  
37 determined to have its nonconformity abandoned and all nonconforming rights lost where:
    - 38 a. Any single-family dwelling, or any detached accessory building associated with a  
39 single-family dwelling, experiences substantial destruction; or
    - 40 b. A pier or dock experiences repairs exceeding those listed in MMC 20.65.060, or if not  
41 listed experiences reconstruction; or
    - 42 c. A structure, not listed in MMC 20.66.090(E)(4)(a) or (b), experiences either substantial  
43 destruction or reconstruction.
  - 44 5. Where the rights to a nonconforming structure have been abandoned, continuation of the  
45 nonconformity shall cease and any subsequent repair, remodel, alteration, or rebuilding  
46 shall require the entire structure to be brought into compliance with all development  
47 regulations in effect.
  - 48 6. A nonconforming structure that experiences substantial destruction or reconstruction may  
49 maintain the condition of nonconformity provided that:
    - 50 a. The substantial destruction and/ or reconstruction is the result of a fire, natural disaster  
51 or other casualty not intentionally caused by any owner or tenant of the property, and

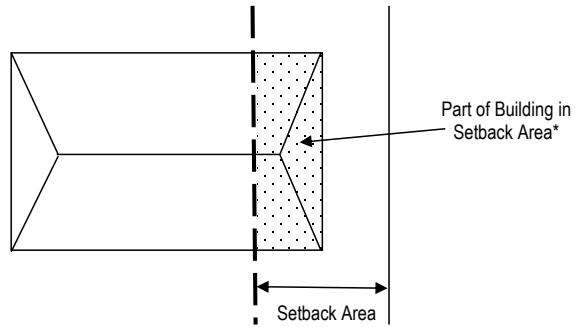
## ATTACHMENT A

- 1 a complete building permit application is filed with the City within 6-months of such fire  
2 or casualty event; or
- 3 b. The nonconforming structure, or portion thereof, was declared to be unsafe by the  
4 City's Building Official, and the property owner submits an application for a building  
5 permit to reconstruct within six months of said determination.
- 6 c. The Director may grant up to a six month extension to the time limitation set forth in  
7 this section provided:
  - 8 i. The property owner requests the extension in writing prior to the expiration of the  
9 time limitation; and
  - 10 ii. The property owner demonstrates extenuating circumstances not of the property  
11 owners making that delay submission of a building permit application, such as  
12 resolution of an insurance claim.
- 13 F. In addition to the provision set forth in MMC 20.66.090(E)(6), an existing single-family  
14 dwelling, accessory patio and/or accessory deck, not complying with a shoreline setback may  
15 experience substantial destruction or reconstruction while preserving the right to the existing  
16 nonconforming shoreline setback provided:
  - 17 1. The replacement dwelling, patio or deck is reconstructed within the footprint of the existing  
18 structure;
  - 19 2. Any expansion of the footprint, including any addition to the dwelling, or adding a cover to  
20 an uncovered patio or deck, shall conform to the shoreline setback prescribed in MMC  
21 20.63.050; and
  - 22 3. A complete application for a building permit to construct a new dwelling, deck or patio is  
23 submitted within six months following substantial destruction or reconstruction of the  
24 structure; and
  - 25 4. A patio not requiring a building permit is replaced immediately following reconstruction.
- 26 G. A nonconforming structure that is enlarged, expanded, extended, repaired, remodeled, or  
27 structural altered shall comply with the following:
  - 28 1. All applicable development regulations including, but not limited to zoning and building;
  - 29 2. The work shall not add any new structure size or area to those parts of the existing  
30 structure that is the cause of the nonconformity as shown in Figure 20.66.090, unless  
31 otherwise allowed by law;
  - 32 3. Upper level additions to a structure, where the total structural coverage on the lot the  
33 structure is located exceeds the maximum structural coverage allowed on the lot, are  
34 permitted provided:
    - 35 a. The total footprint of the upper level including modifications does not exceed the  
36 maximum structural coverage prescribed for the lot; and
    - 37 b. The maximum height of the structure shall be limited as follows:
      - 38 i. If the structure is located in the R-20, R-30 or SR-30 zone, the maximum height of  
39 the structure shall be the lower of 25 feet above original grade or 28 feet above  
40 finished grade as measured pursuant to MMC 20.23.060(C); or
      - 41 ii. If the structure is located in a zone other than those set forth in MMC  
42 20.36.060(G)(3)(b)(i), the maximum height shall be pursuant to the height  
43 standards prescribed by the zone where the structure is located;

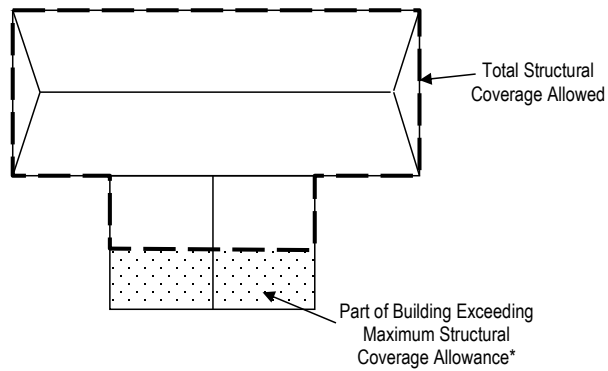
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**Figure 20.36.060 Making Up the Nonconformity**

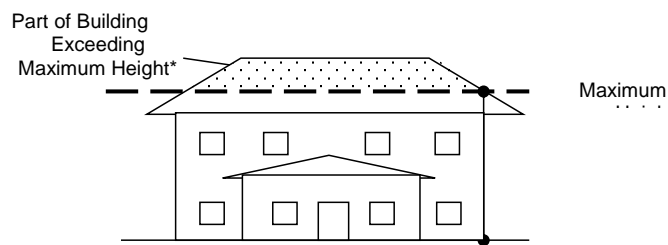
**Setback:**



**Structural Coverage:**



**Height:**



\*Part of Structure Causing the Nonconformity





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### H. Unlawful uses and structures.

1. Uses and structures that did not comply with applicable development regulations in effect at the time of its establishment are determined illegal and subject to enforcement as prescribed by law.
2. Nothing in this section shall be interpreted as granting any right to continue occupancy of property containing an illegal use or structure.
3. The intermittent, temporary, or illegal use of land or structures shall not be sufficient to establish the existence of a nonconforming use and/ or structure.

### **20.66.100      Parking.**

- A. Parking facilities are permitted pursuant to the use table set forth in MMC 20.62.030. Parking shall be incidental and a secondary use and located as a principal use of a lot.
- B. Parking facilities shall provide adequate provisions to control surface water runoff to prevent contaminating water bodies.
- C. Parking facilities shall not be located waterward of the building housing the principal use, except where it can be demonstrated to the Director that an alternative design would have less adverse impact on the shoreline.
- D. Exterior parking facilities shall be designed and landscaped to minimize all adverse impacts upon the shoreline.

### **20.66.110      Lighting.**

- A. Exterior lighting shall be controlled using limits on height, light levels of fixtures, light shields, and other mechanisms that:
  1. Prevent light pollution or other adverse effects that could infringe upon public enjoyment of the shoreline;
  2. Protect residential uses from adverse impacts that can be associated with light trespass from adjoining properties; and
  3. Prevent adverse effects on fish and wildlife species and their habitats.
- B. Exterior lighting shall be directed downward and away from adjoining residential properties and Lake Washington. Shielding may be required to conceal the light source.
- C. Exterior lighting mounted on piers, docks or other water-dependent uses located at the shoreline edge shall be at ground or dock level and be designed to prevent lighting from spilling onto the lake water.
- D. The following shall be exempt from the lighting requirements in this section:
  1. Emergency lighting required for public safety;
  2. Lighting for public rights-of-way;
  3. Outdoor lighting for temporary or periodic events (e.g. community events at public parks);
  4. Seasonal decoration lighting; and
  5. Lighting required by a state or federal agency for navigation purposes.

### **20.66.120      Financial securities.**

Where a financial security is required, an applicant may choose to provide a bond, line of credit, cash deposit, or other form of financial guarantee that is acceptable to the City. The terms of the financial security shall include the following:

- A. An amount of funds equal to 100 percent that is sufficient to fully guarantee that all required enhancements, mitigation and/or other improvements are completed in a manner that complies with the conditions of approval and with satisfactory workmanship and materials;

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- B. An amount of funds equal to 100 percent that guarantees maintenance and/ or monitoring requirements are followed and the expense of correcting any failures;
- C. An amount equal to 100 percent to cover estimated expenses to administer the security should it become necessary to apply the financial security towards completing the enhancements, mitigation and/ or other improvements;
- D. Conditions under which the financial security is providing a guarantee;
- E. A holding timeframe before the financial security may be released; and
- F. Terms to release the security, once all of the terms of the financial security have been satisfactory completed.

### **20.66.130 Emergency actions.**

- A. Emergency actions are those that pose an unanticipated and imminent threat to public health, safety, or the environment and that require immediate action or within a time too short to allow full compliance with the provisions of the shoreline master program.
- B. Emergency actions shall comply with the following conditions:
  - 1. Limited to using reasonable methods necessary to address the emergency;
  - 2. Have the least possible impacts on shoreline ecological functions and processes; and
  - 3. Comply with the requirements of the Medina Shoreline Master Program, to the extent feasible.
- C. Notification requirements.
  - 1. The party undertaking the emergency action shall notify the City immediately of the existence of the emergency and the proposed emergency action, or when this is not practice, within two business days following commencement of the emergency action.
  - 2. The party undertaking the emergency action shall provide the City within seven days following completion of the emergency action, a written description of the work undertaken, a site plan, a description of the pre-emergency conditions, and other information requested by the City to determine the action was permitted within the scope of an emergency action.
- D. Decision.
  - 1. The Director shall evaluate the emergency action for consistency with WAC 173-27-040(2)(d) and determine whether the action taken, or any part of the action taken, was within the scope of an emergency action.
  - 2. If the Director determines that the action does not qualify as an emergency action, the party may be required to obtain a permit and/or require remediation. This shall not preempt the City from determining a particular action to be a violation subject to enforcement under Chapter 1.15 MMC.
  - 3. Whether the situation qualified as an emergency action or not, the City may require that the property owner and/ or the party that undertook the emergency action provide mitigation for impacts to shoreline ecological functions.

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### Chapter 20.67 Critical Areas in the Shoreline

#### Sections:

20.67.010	Purpose
20.67.020	Shoreline critical areas - general provisions.
20.67.030	Applicability.
20.67.040	Definitions.
20.67.050	General requirements.
20.67.060	Critical areas report.
20.67.070	Wetlands.
20.67.080	Geologically hazardous areas.
20.67.090	Fish and Wildlife Habitat Conservation Areas.

#### **20.67.010 Purpose**

The purpose of this chapter is to designate and classify ecologically critical areas, and to protect these areas and their functions and values where they exist within the shoreline jurisdiction. The mechanisms established in this chapter are intended to protect critical areas in shoreline jurisdiction and achieve no net loss of shoreline ecological functions.

#### **20.67.020 Shoreline critical areas - general provisions.**

- A. The requirements of this chapter do not extend beyond the shorelines jurisdiction limits specified in the shoreline master program and the Act. For regulations addressing critical areas and/ or their buffers that are outside of the shorelines jurisdiction, see Chapter 18.12 MMC.
- B. This chapter shall not repeal, abrogate or impair any existing regulations. However, where this chapter imposes greater restrictions, the requirements of this chapter shall prevail.
- C. The critical areas regulations in this chapter apply as an overlay and in addition to zoning and other regulations adopted by the City, except the critical areas regulations set forth in Chapter 18.12 MMC shall not apply.
- D. Compliance with this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required (e.g., substantial development permits, HPA permits, Army Corps of Engineers Section 404 permits, NPDES permits). The applicant is responsible for complying with these requirements, apart from the requirements established in this chapter.
- E. Impacts to critical areas must be addressed through compliance with the policies and regulations of the specific shoreline environment designation, the general shoreline regulations found in Chapter 20.66 MMC, and the regulations of this chapter.
- F. Variances to the strict requirements of this chapter shall not be granted, except through the shoreline variance processes meeting the criteria set forth in WAC 183-27-170. The Reasonable Use Exception set forth in MMC 18.12.130 shall not apply to critical areas within the shoreline area.

#### **20.67.030 Applicability.**

- A. Applicability. The provisions of this chapter apply to all development, activity, and associated uses within the shoreline jurisdiction, which contain critical areas and their buffers as defined in this chapter.

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- 1 B. Critical areas exemptions. The following development, activities and associated uses shall  
2 be exempt from the requirements of this chapter; however, the critical areas exemptions do  
3 not include exemptions from other provisions of the shoreline master program such as  
4 exemptions from substantial development permits provided under WAC 173-27-040.  
5 1. Emergency actions as set forth in MMC 20.66.130.  
6 2. Operations, maintenance, remodel or repair of existing structures and facilities, provide  
7 there is no further intrusion into a critical area or its buffers and there is no significant  
8 increase in risk to life or property as result of the action.  
9 3. Minor site investigate work necessary for land use submittals, such as surveys, soil logs,  
10 percolation tests, and other related activities, where such activities do not require  
11 construction of new roads or significant amounts of excavation in. In every case the  
12 disruption to the critical area shall be minimized and the disturbed areas immediately  
13 restored.  
14 4. Construction or modification of navigational aids and boundary markers.
- 15 C. Limited critical areas exemptions. The following developments, activities, and associated uses  
16 shall not be required to follow a critical areas review process; provided, that they are  
17 consistent with the requirements of this chapter and the other provisions of the Medina  
18 Shoreline Master Program. The City may condition approval of such to ensure adequate  
19 critical areas protection:  
20 1. Existing single-family residences may be expanded, reconstructed, or replaced, provided  
21 all of the following are met:  
22 a. Expansion within a critical area buffer is limited to 500 square feet of structural  
23 coverage beyond the existing structural coverage;  
24 b. The expansion extends no closer to critical area than previously;  
25 c. The proposal does not cause a net loss of shoreline ecological functions of wetlands,  
26 fish and wildlife habitat conservation areas, and their buffers;  
27 d. The proposal includes on-site mitigation to achieve no net loss of ecological functions;  
28 e. The proposal will not significantly affect drainage capabilities, flood potential, and  
29 steep slopes and landslide hazards on neighboring properties; and  
30 f. The expansion would not cause a tree within a buffer to be labeled as a hazardous  
31 tree and thus require the removal of the hazardous tree;  
32 2. Replacement, modification, installation or construction of streets and utilities in existing  
33 developed utility easements, improved city street rights-of-way, or developed private  
34 streets. Utilities include water, sewer lines, and stormwater and franchise (private) utilities  
35 such as natural gas lines, telecommunication lines, cable communication lines, electrical  
36 lines and other appurtenances associated with these utilities. The activity cannot further  
37 permanently alter or increase the impact to, or encroach further within, a critical area or  
38 buffer and must utilize best management practices;  
39 3. Public and Private Non-motorized Trails. Public and private pedestrian trails provided:  
40 a. There is no practicable alternative that would allow placement of the trail outside of  
41 critical area or their buffers;  
42 b. The trail surface shall meet all other requirements including water quality standards;  
43 c. Trails proposed in stream or wetland buffers shall be located in the outer 25 percent  
44 of the buffer area, except when bridges or access points are proposed;  
45 d. Stream and wetland buffer widths shall be increased, where possible, equal to the  
46 width of the trail corridor, including disturbed areas;  
47 e. Trail corridors in critical areas and buffers shall not exceed six feet in width; and  
48 f. Trails proposed to be located in landslide or erosion hazard areas shall be constructed  
49 in a manner that does not increase the risk of landslide or erosion and in accordance  
50 with an approved geotechnical report;

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4. Select Vegetation Removal Activities. The following limited vegetation removal activities are allowed in critical areas and buffers. Otherwise, removal of any vegetation or woody debris from a critical area shall be prohibited unless the action is part of an approved alteration.
  - a. The removal of the following vegetation with hand labor and/or light equipment; provided, that the appropriate erosion-control measures are used and the area is replanted with native vegetation:
    - i. Invasive weeds;
    - ii. Himalayan blackberry (*Rubus discolor*, *R. procerus*);
    - iii. Evergreen blackberry (*R. laciniatus*);
    - iv. Ivy (*Hedera* spp.); and
    - v. Holly (*Ilex* spp.), laurel, Japanese knotweed (*Polygonum cuspidatum*), or any other species on the King County Noxious Weed List.
  - b. The cutting and removal of trees that are hazardous, posing a threat to public safety, or posing an imminent risk of damage to private property, from critical areas and buffers; provided, that the provisions in MMC 20.66.050 are followed.
  - c. Trimming of vegetation for purposes of providing view corridors will be allowed; and that trimming shall be limited to view corridors of 20 feet in width or less, that the limbs involved do not exceed three inches in diameter, that no more than 25 percent of the live crown is removed, and that benefits to fish and wildlife habitat are not reduced. Trimming shall be limited to hand pruning of branches and vegetation. Trimming shall not include felling, topping, stripping, excessive pruning or removal of trees.
  - d. Measures to control a fire or halt the spread of disease or damaging insects consistent with the State Forest Practices Act, Chapter 76.09 RCW; provided, that the removed vegetation shall be replaced in-kind or with similar native species within one year in accordance with an approved restoration plan prepared by a qualified professional; and
5. Conservation, Preservation, Restoration and/or Enhancement.
  - a. Conservation and/or preservation of soil, water, vegetation, fish and/or other wildlife that does not entail alteration of the location, size, dimensions or functions of an existing critical area and/or buffer; and
  - b. Restoration and/or enhancement of critical areas or buffers; provided, that actions do not alter the location, dimensions or size of the critical area and/or buffer; that actions do not alter or disturb existing native vegetation or wildlife habitat attributes; that actions improve and do not reduce the existing functions of the critical areas or buffers; and that actions are implemented according to a restoration and/or enhancement plan that has been approved by the City.

### 20.67.040 Definitions.

- A. In addition to the definitions set forth in Chapter 20.60 MMC, the definitions set forth in Chapter 18.12 MMC, and adopted under Ordinance No. 784, shall be adopted as the definitions applicable to critical areas within the shoreline jurisdiction.
- B. If any definition in Chapter 18.12 MMC conflicts with provisions in the shoreline master program, the shoreline master program shall prevail.

### 20.67.050 General requirements.

- A. Avoid impacts to critical areas.
  1. The applicant shall avoid all impacts that result in a net loss of shoreline ecological functions.

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2. The applicant shall avoid all impacts where the results are an unacceptable level of risk associated with a geologically hazardous area.
3. Unless otherwise provided for in this chapter:
  - a. If alteration to fish and wildlife habitat conservation areas, wetlands and/or their buffers is proposed, impacts resulting from a development proposal or alteration shall be mitigated in accordance with the mitigation sequencing set forth in MMC 20.67.050(B) and an approved critical area report and any applicable SEPA documents; or
  - b. A development proposal or alteration within a geologically hazardous area and/or its buffer must comply with a geotechnical report approved by the city that assesses the risk to health and safety, and makes recommendations for reducing the risk to acceptable levels through engineering, design, and/or construction practices.
- B. Mitigation.
  1. Mitigation shall be in-kind and on-site, where feasible, and sufficient to maintain critical areas and shoreline ecological functions and values, and to prevent risk from hazards posed by a critical area.
  2. Mitigation shall not be implemented until after the City approves the applicable critical area report and mitigation plan. Following city approval, mitigation shall be implemented in accordance with the provisions of the approved critical area report and mitigation plan.
- C. Mitigation sequencing.
  1. Pursuant to MMC 20.66.020, applicants must demonstrate that all reasonable efforts have been examined with the intent to avoid, or if that is not possible, minimize and then mitigate impacts to shoreline ecological functions as provided by critical areas.
  2. When an alteration to a critical area and/or buffer is proposed, such alteration shall follow the mitigation sequencing set forth as follows:
    - a. For fish and wildlife habitat conservation areas, wetlands and/or their buffers, avoiding the impact altogether by not taking a certain action or parts of an action, except this provision shall not be used to deny a use or activity specifically authorized by the shoreline master program;
    - b. For geological hazards, minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;
    - c. Minimizing impacts by limiting the degree or magnitude of the action by using appropriate technology, or by taking affirmative steps to avoid or reduce the impact;
    - d. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
    - e. Reducing or eliminating the impacts over time by preservation and/or maintenance operations;
    - f. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
    - g. Monitoring the impact and the compensation projects and taking appropriate corrective measures.
- D. Mitigation plan requirements. Where mitigation is required, the applicant shall submit, and obtain approval from the City, a mitigation plan as part of, or in addition to, the critical area report. The mitigation plan shall include the following information:
  1. A description of existing critical areas and/or buffers conditions, shoreline ecological functions as provided by critical areas, and a description of the anticipated impacts;
  2. A description of proposed mitigating actions and mitigation site selection criteria;
  3. A description of the goals and objectives of proposed mitigation relating to impacts to shoreline ecological functions as provided by critical areas;
  4. A review of the most current, accurate, and complete scientific and technical information available supporting proposed mitigation, a description of the plan/report author's experience to date in restoring or creating the type of critical area proposed, and an analysis of the likelihood of success of the mitigation project;

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5. A description of specific measurable criteria for evaluating whether or not the goals and objectives of the mitigation plan have been successfully attained and whether or not the requirements of these critical area regulations have been met;
6. Detailed construction plans including site diagrams, cross-sectional drawings, topographic elevations at one- or two-foot contours, slope percentage, final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome;
7. Construction plans should also include specifications and descriptions of:
  - a. Proposed construction sequence, timing, and duration;
  - b. Grading and excavation details;
  - c. Erosion and sediment control features;
  - d. A planting plan specifying plant species, quantities, locations, size, spacing, and density, with density standards as follows:
    - i. Forested conditions:
      - (1) Trees: Nine feet on center, or 0.012 trees per square foot (this assumes two- to five-gallon size) with at least 50 percent conifers;
      - (2) Shrubs: Six feet on center, or 0.028 shrubs per square foot (this assumes one- to two-gallon size); and
      - (3) Herbs and groundcovers: Four feet on center, or 0.063 plants per square foot (this assumes 10-inch plug or four-inch pot).
      - (4) If trees cannot be planted at existing site due to pre-existing canopy coverage, the ratio of shrubs shall be increased to a ratio of (3) shrubs to one tree that cannot not otherwise be planted.
      - (5) If shrubs cannot be planted in lieu of this requirement, other mitigation options such as bulkhead removal should be proposed to compensate for the development impact.
    - ii. Shrub conditions:
      - (1) A minimum (2) trees within 10 feet of the ordinary high water mark.
      - (4)(2) Shrubs: Five feet on center, or 0.04 shrubs per square foot (this assumes one- to two-gallon size and a minimum (3) shrubs within 10 feet of the ordinary high water mark); and
      - (2)(3) Herbs and groundcovers: Four feet on center, or 0.063 plants per square foot (this assumes 10-inch plug or four-inch pot).
    - iii. Emergent, herbaceous and/or ground-cover conditions:
      - (1) Trees: A minimum (2) trees within 10 feet of the ordinary high water mark.
      - (4)(2) Shrubs: A minimum (3) shrubs within 10 feet of the ordinary high water mark.
      - (2)(3) Herbs and groundcovers: One foot on center, or one plant per square foot (this assumes 10-inch plug or four-inch pot); or
      - (2) Herbs and groundcovers: 18 inches on center, or 0.444 plant per square foot if supplemented by over-seeding of native herbs, emergent or graminoids as appropriate;
  - e. Measures to protect and maintain plants until established;
8. A maintenance and monitoring program containing, but not limited to the following:
  - a. An outline of the schedule for site monitoring;
  - b. Performance standards including, but not limited to 100 percent survival of newly planted vegetation within the first two years of planting, and 80 percent for years three or more;
  - c. Contingency plans identifying courses of action and any corrective measures to be taken if monitoring or evaluation indicates performance standards have not been met;
  - d. The period of time necessary to establish that performance standards have been met, not to be less than three years;

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- 1 9. Financial guarantees ensuring fulfillment of the compensation project, monitoring  
2 program, and any contingency measures shall be posted in accordance with MMC  
3 20.66.120;
- 4 10. Other information determined necessary by the Director.
- 5 E. Determination process. The Director shall make a determination as to whether the proposed  
6 activity and mitigation, if any, is consistent with the provisions of these critical areas  
7 regulations. The Director's determination shall be based on the following:
  - 8 1. Any alteration to a critical area and/or critical area buffer, unless otherwise provided for in  
9 these critical area regulations, shall be reviewed and approved, approved with conditions,  
10 or denied based on the proposal's ability to comply with all of the following criteria:
    - 11 a. The proposal will result in no net loss of shoreline ecological functions as provided by  
12 critical areas in accordance with the mitigation sequencing prescribed in MMC  
13 20.67.050(C);
    - 14 b. The proposal does not pose an unreasonable threat to the public health, safety, or  
15 welfare on or off the development proposal site;
    - 16 c. The proposal is consistent with the general purposes of these critical area regulations,  
17 the Shoreline Master Program and the public interest;
    - 18 d. Any impacts permitted to the critical area and/or buffers are mitigated in accordance  
19 with MMC 20.67.050(B), (C) and (D);
    - 20 e. The proposal protects critical area and/or buffer functions and values consistent with  
21 the most current, accurate, and complete scientific and technical information available;  
22 and
    - 23 f. The proposal is consistent with other applicable regulations and standards.
  - 24 2. The City may condition the proposed activity as necessary to mitigate impacts to critical  
25 areas and/or buffers and to conform to the standards required by these critical area  
26 regulations.
  - 27 3. Except as provided for by these critical area regulations, any project that cannot  
28 adequately mitigate its impacts to critical areas and/or buffers shall be denied.
  - 29 4. The City may require critical area or geotechnical reports to have an evaluation by an  
30 independent qualified professional at the applicant's expense when determined to be  
31 necessary to the review of the proposed activity.
- 32 F. Notice on title. In order to inform subsequent purchasers of real property of the existence of  
33 critical areas, the owner of any property containing a critical area or buffer on which a  
34 development proposal is submitted shall file for record with King County Auditor a notice  
35 approved in form by the City. The notice shall state the presence of the critical area or buffer  
36 on the property. The owner shall submit proof to the City that the notice has been filed for  
37 record within 30 days after the approval of a development permit. The notice shall run with  
38 the land, and failure to provide such notice to any purchaser prior to transferring any interest  
39 in the property shall be a violation of this chapter.
- 40 G. Native Growth Protection Areas (NGPAs) shall be used in development proposals for  
41 subdivisions and short subdivisions in accordance with the following:
  - 42 1. NGPAs shall delineate and protect those contiguous critical areas and buffers listed below:
    - 43 a. All landslide hazard areas and buffers, except when a development proposal is  
44 approved in a landslide hazard area and/or buffer per a geotechnical report;
    - 45 b. All wetlands and buffers;
    - 46 c. All fish and wildlife habitat conservation areas; and
    - 47 d. All other lands to be protected from impacts as conditioned by project approval;
  - 48 2. NGPAs shall be recorded on all documents of title of record for all affected lots;
  - 49 3. NGPAs shall be designated on the face of the plat or recorded drawing in a format  
50 approved by the City and include the following restrictions:



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- a. Native vegetation shall be preserved within the NGPA for the purpose of preventing harm to property and the environment; and
- b. The City of Medina has the right to enforce NGPA restrictions.

### 20.67.060 Critical areas report.

- A. If fish and wildlife habitat conservation areas, wetlands, steep slopes and/or their buffers may be affected by a proposed activity, the applicant shall submit a critical area report meeting the following requirements:
  1. Prepared by a qualified professional;
  2. Incorporate the most current, accurate, and complete scientific and technical information available using scientifically valid methods and studies in the analysis of critical area data and field reconnaissance and reference the source of science used; and
  3. Evaluate the proposal and all probable impacts to critical areas in accordance with the provisions of these critical area regulations.
- B. At a minimum the report shall include the following information:
  1. The applicant's name and contact information, a project description, project location, and identification of the permit requested;
  2. A site plan for the proposal showing:
    - a. The development proposal with dimensions and any identified critical areas and buffers within 200 feet of the proposed project; and
    - b. Limits of any areas to be cleared;
  3. The date the report was prepared;
  4. The names and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;
  5. Identification and characterization of all noncritical areas and critical areas and their buffers within, and adjacent to, the proposed project area. This information shall include, but is not limited to:
    - a. Size or acreage, if applicable;
    - b. Applicable topographic, vegetative, faunal, soil, substrate and hydrologic characteristics; and
    - c. Relationship to other nearby critical areas;
  6. An assessment of the probable cumulative impacts to critical areas resulting from the proposed development;
  7. An analysis of site development alternatives;
  8. A description of reasonable efforts made to apply mitigation sequencing pursuant to MMC 20.67.050(C) to avoid or compensate for impacts to shoreline ecological functions as provided by critical areas;
  9. Plans for mitigation in accordance with MMC 20.67.050(B), (C) and (D); and
  10. Any additional information required for the critical area as specified in this chapter.
- C. The applicant may consult with the Director prior to or during preparation of the critical area report to obtain City approval of modifications to the required contents of the report where, in the judgment of a qualified professional, more or less information is required to adequately address the potential critical area impacts and required mitigation.
- D. The Director may require additional information to be included in the critical area report and may also require the critical area report to include an evaluation by the Department of Ecology or an independent qualified expert when determined to be necessary to the review of the proposed activity in accordance with these critical area regulations.

### 20.67.70 Wetlands

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- A. Designation.
1. Wetlands are those areas, designated in accordance with the approved federal wetland delineation manual and applicable regional supplements set forth in WAC 173-22-035.
  2. All areas within the City of Medina that meet the wetland designation criteria in the manual, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of these critical area regulations.
- B. Wetland ratings. Wetlands shall be rated according to the Washington Department of Ecology wetland rating system for Western Washington (Ecology Publication #~~04-06-025~~~~14-06-029~~, or as revised and approved by Ecology). These documents contain the definitions and methods for determining if the criteria below are met.
- C. Wetland Rating Categories.
1. The following table provides a summary of the categories of wetland and the criteria for their categorization.

**Table 20.67.070(C) Wetland Categories**

Category	Criteria for Designation
Category I	<ul style="list-style-type: none"><li>• Represent a unique or rare wetland type;</li><li>• Are more sensitive to disturbance than most wetlands;</li><li>• Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or</li><li>• Provide a high level of functions.</li><li>• Score <del>70 points or higher</del><b>23 to 27 points</b> on the rating system.</li></ul>
Category II	<ul style="list-style-type: none"><li>• Are not defined as Category I wetlands.</li><li>• Are difficult, though not impossible, to replace;</li><li>• Provide high levels of some functions;</li><li>• Score <del>51 to 69</del><b>20 to 22</b> points on the rating system</li></ul>
Category III	<ul style="list-style-type: none"><li>• Do not satisfy Category I or II criteria;</li><li>• Provide moderate levels of functions;</li><li>• Score <del>30 to 50</del><b>16 to 19</b> points on the rating system.</li></ul>
Category IV	<ul style="list-style-type: none"><li>• Do not satisfy Category I, II or III criteria;</li><li>• Provide the lowest levels of functions;</li><li>• Often are heavily disturbed;</li><li>• Score <del>fewer than 30</del><b>9 to 15</b> points on the rating system.</li></ul>

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**Commented [LD23]:** Section 2 – 2016.b., Section 3 comment 1

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2. Date of Wetland Rating. Wetland rating categories shall be applied as the wetland exists on the date of adoption of the rating system by the City, as the wetland naturally changes thereafter, or as the wetland changes in accordance with permitted activities. Wetland rating categories shall not change due to illegal modifications.
  3. Wetland rating categories shall not change due to illegal modifications made by the property owner or with the property owner's knowledge.
- D. Mapping.
1. The approximate location and extent of known wetlands are identified in the City of Medina Critical Areas Inventory. This inventory is to only be used as a guide for the City of Medina, project applicants, and/or property owners, and may be continuously updated as new critical areas are identified. The inventory is only a reference and does not provide a final critical area designation.

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2. The exact location of a wetland's boundary shall be determined through the performance of a field investigation by a qualified professional in accordance with the approved federal wetland delineation manual and applicable regional supplements set forth in WAC 173-22-035.

### E. Wetlands – development standards.

1. Activities and uses shall be prohibited within wetland and wetland buffer areas, except as provided for in these critical area regulations.
2. The following table contains wetland buffer widths:

**Table 20.67.070(E)(1) Wetland Buffer Widths**

Wetland Category	Standard Buffer Width	Buffer if Rating Score includes 21 – 25 Habitat points	Buffer if Rating Score includes 26 – 29 Habitat points	Buffer if Rating Score includes 30 – 36 Habitat points
Category I	75 feet	105 feet	165 feet	225 feet
Category II	75 feet	105 feet	165 feet	225 feet
Category III	60 feet	105 feet	165 feet	Not Applicable
Category IV	40 feet	Not Applicable	Not Applicable	Not Applicable

3. The width of the wetland buffer shall be determined according to [Table 20.67.070\(E\)\(1\)](#), and shall be based on the wetland category and habitat category, habitat score, and presence of mitigation measures as outlined in [Table 20.67.070\(E\)\(2\)](#).

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**Table 20.50.100(E)(2) Wetland Buffer Impact Minimization Measures**

Disturbance	Required Measures to Minimize Impacts
Lights	<ul style="list-style-type: none"> <li>• Direct lights away from wetland</li> </ul>
Noise	<ul style="list-style-type: none"> <li>• Locate activity that generates noise away from wetland</li> <li>• If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source</li> <li>• For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10' heavily vegetated buffer strip immediately adjacent to the outer wetland buffer</li> </ul>
Toxic runoff	<ul style="list-style-type: none"> <li>• Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered</li> <li>• Establish covenants limiting use of pesticides within 150 feet of wetland</li> <li>• Apply integrated pest management</li> </ul>
Stormwater runoff	<ul style="list-style-type: none"> <li>• Retrofit stormwater detention and treatment for roads and existing adjacent development</li> <li>• Prevent channelized flow from lawns that directly enters the buffer</li> <li>• Use Low Intensity Development (LID) techniques where appropriate (for more information refer to the drainage ordinance and manual)</li> </ul>
Change in water regime	<ul style="list-style-type: none"> <li>• Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns</li> </ul>

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<u>Disturbance</u>	<u>Required Measures to Minimize Impacts</u>
<u>Pets and human disturbance</u>	<ul style="list-style-type: none"> <li>• <u>Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion</u></li> <li>• <u>Place wetland and its buffer in a separate tract or protect with a conservation easement</u></li> </ul>
<u>Dust</u>	<ul style="list-style-type: none"> <li>• <u>Use best management practices to control dust</u></li> </ul>

4. Measurement of wetland buffers shall be from the outer edges of the wetland boundaries as determined through the performance of a field investigation by a qualified professional applying the wetlands identification and delineation pursuant to MMC 20.67.070(A) and (B) and as surveyed in the field.

F. Wetland Buffer Reduction. The wetland buffer width in Table 20.67.070(E) (1) may be reduced by up to a maximum of 25 percent provided:

1. The amount of reduction is based on voluntary employment of incentive-based action measures set forth in MMC 20.67.070(G);
2. A critical areas report prepared by a professional with expertise in wetlands and approved by the City using the most current, accurate, and complete scientific and technical information available determines a smaller area can be adequate to protect the wetland functions and values based on site-specific characteristics; and
3. The mitigation provided will result in a net improvement of the wetland and buffer functions;
4. Any remaining wetland buffer areas on the property not subject to the reduction, but are degraded, are re-vegetated with native plants; and
5. A five year monitoring and maintenance program is provided.

G. The following table provides incentive options that may be employed to allow for the reduction of a wetland buffer width as set forth in MMC 20.67.070(F). Where multiple options for an action are prescribed in the table, only one option under that action may be applied.

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**Table 20.67.070(G) Wetland Buffer Reduction Incentive Options**

Description of Action	Options	Reduction Allowance
Remove impervious surface within wetland buffer area	Remove at least 50 percent of the impervious surface within the reduced buffer area, but where the total impervious surface removed is less than 500 square feet	5 percent points
	Remove at least 50 percent of the impervious surface within the reduced buffer, but where the total impervious surface removed is more than 500 square feet	10 percent points
	Remove 100 percent of impervious surfaces within the reduced buffer, where at least 50 percent of the reduced buffer presently contains impervious surface	20 percent points
Install Biofiltration/ infiltration mechanisms	Install bioswales, created and/ or enhanced wetlands, or ponds supplemental to existing surface water drainage and water quality requirements	20 percent points
Remove invasive, nonnative vegetation	Remove invasive, nonnative vegetation and continue maintenance during the 5-year monitoring program of removing relatively dense stands of invasive, nonnative vegetation from significant portions of the reduced buffer area	10 percent points
Install oil-water separator	If not required by other provisions of the Medina Municipal Code, install oil-water separators for surface water quality control	10 percent points
Replace Impervious materials	Replace impervious materials for driveway/ road construction with pervious materials	10 percent points
Provide off-site Restoration where no on-site restoration is available	Restoration is provided at a 2:1 ratio or greater	10 percent points
	Restoration is provided at a 4:1 ratio or greater	20 percent points
Remove Toxic materials	Remove significant refuse or sources of toxic material	10 percent points

- H. Averaging of Wetland Buffer Width. The City may allow the wetland buffer width to be averaged provided:
1. The proposal results in a net improvement of wetland, habitat and buffer function;
  2. The proposal includes re-vegetation of the averaged buffer using native plants, if needed;
  3. The total area contained in the buffer of each wetland on the development proposal site is not decreased;
  4. The wetland buffer width is not reduced by more than 25 percent in any one location; and

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5. A critical areas report meeting the requirements set forth in MMC 20.67.060 indicates the criteria in this subsection will be met.
- I. Wetland buffer averaging and wetland buffer reduction may not be used together on an individual wetland.
- J. Buffers for Mitigation Shall Be Consistent. All mitigation sites shall have buffers consistent with the buffer requirements of this chapter. The buffer for a wetland that is created, restored, or enhanced as compensation for approved wetland alterations shall have the minimum buffer required for the highest wetland category involved.
- K. Buffer Conditions Shall Be Maintained. Except as otherwise specified or allowed in accordance with these critical area regulations, wetland buffers shall be retained in their natural condition.
- L. Temporary Markers. The outer perimeter of the wetland or buffer and the limits of those areas to be disturbed pursuant to an approved permit or authorization shall be marked in the field in such a way as to ensure that no unauthorized intrusion will occur, and inspected by the City prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction, and shall not be removed until permanent signs, if required, are in place pursuant to MMC 20.67.070(M).
- M. Permanent Signs.
1. As a condition of any permit or authorization issued pursuant to this chapter, the city manager or designee may require the applicant to install permanent signs along the boundary of a wetland or buffer.
  2. Permanent signs shall be made of a metal face and attached to a metal post, or another material of equal durability. The sign shall be worded as follows or with alternative language approved by the city:
- Protected Wetland Area  
Do Not Disturb.  
Contact the City of Medina  
Regarding Uses and Restriction
3. Signs must be posted at an interval of one per lot or every 50 feet, whichever is less, and must be maintained by the property owner in perpetuity.
- N. Fencing.
1. The city manager or designee may condition any permit or authorization issued pursuant to this chapter to require the applicant to install a permanent fence at the edge of the wetland buffer, when fencing will prevent future impacts to the wetland.
  2. Fencing installed as part of a proposed activity or as required in this subsection shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to the wetland and associated habitat.
- O. Additional mitigation measures. In addition to the requirements in MMC 20.67.050(B), (C) and (D), when mitigation for wetland and/ or wetland buffer impacts is required, the following supplementary requirements shall apply:
1. Mitigation for alterations to wetland and/or wetland buffer shall achieve equivalent or greater shoreline ecological functions and shall be consistent with the Department of Ecology Guidance on Wetland Mitigation in Washington State (2004, Department of Ecology Publication No. 04-06-013), as revised.
  2. Wetland or wetland buffer mitigation actions shall not result in a net loss of wetland or buffer area except when the lost wetland or buffer area provides minimal functions and the mitigation action(s) results in a net gain in wetland or buffer functions as determined by a site-specific function assessment.

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3. Mitigation actions shall address and provide equivalent or greater wetland and buffer functions and values compared to wetland and buffer conditions existing prior to the proposed alteration.
4. Mitigation actions shall be in-kind and conducted within the same basin and on the same site as the alteration except when the following apply:
  - a. There are no reasonable on-site opportunities for mitigation or on-site opportunities do not have a high likelihood of success due to development pressures, adjacent land uses, or on-site buffers or connectivity are inadequate;
  - b. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland; and
  - c. Off-site locations shall be in the same basin and the same Water Resource Inventory Area (WRIA).
5. Mitigation Timing. Where feasible, mitigation projects shall be completed prior to activities that will disturb wetlands. In all other cases, mitigation shall be completed immediately following disturbance and prior to use or occupancy of the activity or development. Construction of mitigation projects shall be timed to reduce impacts to existing wildlife and flora.
6. Mitigation Ratios.
  - a. The ratios in the following table shall apply to wetland creation or restoration that is in-kind, on-site, the same category, and has a high probability of success. The first number specifies the acreage of replacement wetlands and the second specifies the acreage of wetlands altered.

**Table 20.67.070(O) Wetland Mitigation Ratios**

Wetland Category	Creation or Re-establishment	Enhancement as Mitigation
Category I	6:1	16:1
Category II	3:1	12:1
Category III	2:1	8:1
Category IV	1.5:1	6:1

- iii. Proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted; or
      - iv. The impact was an unauthorized impact.
    - c. Decreased Replacement Ratio. The Director may decrease these ratios under the following circumstances:
      - i. Documentation by a qualified wetlands specialist demonstrates that the proposed mitigation actions have a very high likelihood of success;
      - ii. Documentation by a qualified wetlands specialist demonstrates that the proposed mitigation actions will not result in a net loss of shoreline ecological functions; and
      - iii. The proposed mitigation actions are conducted in advance of the impact and have been shown to be successful.
    - d. Minimum Replacement Ratio. In all cases, a minimum acreage replacement ratio of one-to-one shall be required.

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7. Wetland Mitigation Banks.
  - a. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:
    - i. The bank is certified under Chapter 173-700 WAC;
    - ii. The city manager or designee determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and
    - iii. The proposed use of credits is consistent with the terms and conditions of the bank's certification.
  - b. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.
  - c. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, bank service areas may include portions of more than one WRIA for specific wetland functions.
8. Wetland Enhancement as Mitigation.
  - a. Impacts to wetlands may be mitigated by enhancement of existing significantly degraded wetlands.
  - b. Applicants proposing to enhance wetlands must produce a critical area report that identifies how enhancement will increase the functions of the degraded wetland and how this increase will adequately mitigate for the loss of wetland area and function at the impact site.
  - c. The enhancement acreage shall be pursuant to the ratios in Table 20.67.070(O).

### 20.67.080 Geologically hazardous areas.

- A. Geologically hazardous areas include those areas susceptible to erosion, sliding, earthquake, or other geologic events. They pose a threat to the health and safety of citizens when incompatible development is sited in areas of significant hazard. Such incompatible development may not only place itself at risk, but also may increase the hazard to surrounding development and use. In the City of Medina, areas susceptible to one or more of the following types of hazards shall be designated as a geologically hazardous area:
  1. Erosion hazard;
  2. Landslide hazard; and
  3. Seismic hazard.
- B. Specific hazard areas – Designation.
  1. Erosion Hazard Areas. Erosion hazard areas are at least those areas identified by the U.S. Department of Agriculture's Natural Resources Conservation Service as having a "moderate to severe," "severe," or "very severe" rill and inter-rill erosion hazard.
  2. Landslide Hazard Areas. Landslide hazard areas are areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Example of these may include, but are not limited to, the following:
    - a. Areas of historic failures, such as:
      - i. Those areas delineated by the U.S. Department of Agriculture's Natural Resources Conservation Service as having a "severe" limitation for building site development;
      - ii. Areas designated as quaternary slumps, earth-flows, mudflows, lahars, or landslides on maps published by the U.S. Geological Survey or Department of Natural Resources;
    - b. Areas with all three of the following characteristics:
      - i. Slopes steeper than 15 percent; and



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- ii. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
- iii. Springs or ground water seepage;
- c. Slopes that are parallel or sub-parallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;
- d. Areas potentially unstable because of rapid stream incision, stream bank erosion, and undercutting by wave action;
- e. Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding; and
- f. Steep slopes, which are any area with a slope of 40 percent or steeper and with a vertical relief of 10 or more feet except areas composed of consolidated rock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least 10 feet of vertical relief.

3. Seismic Hazard Areas. Seismic hazard areas are areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting. One indicator of potential for future earthquake damage is a record of earthquake damage in the past. Ground shaking is the primary cause of earthquake damage in Washington State. The strength of ground shaking is primarily affected by:
  - a. The magnitude of an earthquake;
  - b. The distance from the source of an earthquake;
  - c. The type and thickness of geologic materials at the surface; and
  - d. The subsurface geologic structure.

Settlement and soil liquefaction conditions occur in areas underlain by cohesionless, loose, or soft-saturated soils of low density, typically in association with a shallow ground water table.

### C. Mapping.

1. The approximate location and extent of geologically hazardous areas are shown on the adopted critical area maps. The adopted critical area maps include:
  - a. U.S. Geological Survey landslide hazard, seismic hazard and volcano hazard maps;
  - b. Department of Natural Resources seismic hazard maps for Western Washington;
  - c. Department of Natural Resources slope stability maps;
  - d. Federal Emergency Management Administration flood insurance maps; and
  - e. Locally adopted maps.
2. These maps are to be used as a guide for the City of Medina, project applicants and/or property owners, and may be continuously updated as new critical areas are identified. They are a reference and do not provide a final critical area designation.

### D. Additional report requirements.

1. For development proposed to be located in erosion or landslide hazard areas, the applicant shall submit a geotechnical report prepared by a qualified professional. A steep slope hazard must also meet the requirements for a critical area report set forth in MMC 20.67.060.
2. The Director may require a geotechnical report for development proposed in a seismic hazard area.

### E. Where a geotechnical report is required, a geotechnical assessment of the geological hazards including the following site- and proposal-related information shall be included in either the geotechnical report or the critical areas report.

1. Site and construction plans for the proposal showing:
  - a. The type and extent of geologic hazard areas, any other critical areas, and any critical area buffers on, adjacent to, within 200 feet of, or that are likely to impact the proposal or be impacted by the proposal;

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- b. Proposed development, including the location of existing and proposed structures, fill, storage of materials, and drainage facilities, with dimensions indicating distances to the geologically hazardous area; and
- c. The topography, in two-foot contours, of the project area and all hazard areas addressed in the report;
2. An assessment of the geologic characteristics and engineering properties of the soils, sediments, and/or rock of the project area and potentially affected adjacent properties, and a review of the site history regarding landslides, erosion, and prior grading. Soils analysis shall be accomplished in accordance with accepted taxonomic classification systems in use in the region. The assessment shall include, but not be limited to:
  - a. A description of the surface and subsurface geology, hydrology, soils, and vegetation found in the project area and in all hazard areas addressed in the report;
  - b. A detailed overview of the field investigations, published data and references; data and conclusions from past assessments of the site; and site specific measurements, tests, investigations, or studies that support the identification of geologically hazardous areas; and
  - c. A description of the vulnerability of the site to the relevant geologic hazard;
3. A geotechnical analysis including a detailed description of the project, its relationship to the geologic hazard(s), and its potential impact upon the hazard area, the subject property and affected adjacent properties; and
4. Recommendations for the minimum no-disturbance buffer and minimum building setback from any geologic hazard based upon the geotechnical analysis. The Director may assign buffer and building setbacks based on this information. For steep slopes, the minimum buffer widths are specified in MMC 20.67.080(I).
5. When hazard mitigation is required:
  - a. The mitigation plan shall specifically address how the activity maintains or reduces the pre-existing level of risk to the site and adjacent properties on a long-term basis (equal to or exceeding the projected lifespan of the activity or occupation);
  - b. Proposed mitigation techniques shall be considered to provide long-term hazard reduction only if they do not require regular maintenance or other actions to maintain their function; and
  - c. Mitigation may also be required to avoid any increase in risk above the pre-existing conditions following abandonment of the activity.
6. Where a valid geotechnical report has been prepared and approved by the City within the last five years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, said report may be incorporated into the required critical area or geotechnical report provided the applicant submits a geotechnical assessment detailing any changed environmental conditions associated with the site.
7. Additional information determined by the Director to be necessary to the review of the proposed activity and the subject hazard.
- F. In addition to the geotechnical report requirements specified in MMC 20.67.080(E), a geotechnical or critical area report (as specified in MMC 20.67.080(D)) for an erosion hazard or landslide hazard shall include the following information:
  1. A site plan for the proposal showing the following:
    - a. The height of slope, slope gradient, and cross section of the project area;
    - b. The location of springs, seeps, or other surface expressions of ground water on or within 200 feet of the project area or that have potential to be affected by the proposal; and
    - c. The location and description of surface water runoff.
  2. The geotechnical analysis shall specifically include:
    - a. A description of the extent and type of vegetative cover;

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- b. An estimate of load capacity including surface and ground water conditions, public and private sewage disposal systems, fills and excavations, and all structural development;
  - c. An estimate of slope stability and the effect construction and placement of structures will have on the slope over the estimated life of the structure;
  - d. An estimate of the bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or a 100-year storm event;
  - e. Consideration of the run-out hazard of landslide debris and/or the impacts of landslide run-out on down-slope properties;
  - f. A study of slope stability including an analysis of proposed angles of cut and fills and site grading;
  - g. Recommendations for building limitations, structural foundations, and an estimate of foundation settlement; and
  - h. An analysis of proposed surface and subsurface drainage, and the vulnerability of the site to erosion.
3. For any development proposal on a site containing an erosion hazard area, an erosion and sediment control plan shall be required.
  4. A drainage plan for the collection, transport, treatment, discharge and/or recycle of water.
  5. Whenever development, including, but not limited to, stairs, pathways, trams and their support structures, retaining walls, and structures, is performed on any erosion, landslide hazard, or steep slope area as defined in this chapter, a mitigation plan shall be prepared.
    - a. The plan shall include the location and methods of drainage, surface water management, locations and methods of erosion control, a vegetation management and/or replanting plan, and/or other means for maintaining long-term soil stability.
    - b. All disturbed areas shall be re-vegetated by the property owner.
    - c. Re-vegetation shall include planting of species indigenous to the Northwest, together with a schedule of their maintenance.
  6. Monitoring Surface Waters. If the Director determines that there is a significant risk of damage to downstream receiving waters due to potential erosion from the site, based on the size of the project, the proximity to the receiving waters, or the sensitivity of the receiving waters, the report shall include a plan to monitor the surface water discharge from the site. The monitoring plan shall include a recommended schedule for submitting monitoring reports to the City of Medina.
- G. Seismic hazard areas shall require geotechnical reporting consistent with MMC 20.67.080(E) and the following:
- a. The site map shall show all known and mapped faults within 200 feet of the project area or that have potential to be affected by the proposal.
  - b. The geotechnical analysis shall include a complete discussion of the potential impacts of seismic activity on the site (for example, forces generated and fault displacement).
- H. Geologically hazardous areas – general development standards.
1. Alterations of geologically hazardous areas or associated buffers may only occur for activities that a qualified professional determines:
    - a. Will not increase the threat of the geologic hazard to adjacent properties beyond predevelopment conditions;
    - b. Will not adversely impact other critical areas or their buffers;
    - c. Are designed so that the hazard is eliminated or mitigated to a level equal to or less than predevelopment conditions; and
    - d. Are certified as safe by a qualified engineer or geologist, licensed in the state of Washington.
  2. Essential Public Facilities Prohibited. Essential public facilities shall not be sited within geologically hazardous areas unless there is no other practical alternative.
- I. Geologically hazardous areas – specific development standards.

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1. Alterations of an erosion or landslide hazard area and/or buffer may only occur for activities for which a geotechnical report is submitted and certifies that:
  - a. The development will not increase surface water discharge or sedimentation to adjacent properties beyond predevelopment conditions;
  - b. The development will not decrease slope stability on adjacent properties; and
  - c. Such alterations will not adversely impact other critical areas or their buffers.
2. A buffer shall be established from all edges of steep slopes as defined in MMC 20.67.080(B)(2)(f). The size of the buffer shall be determined by the Director to eliminate or minimize the risk of property damage, death or injury resulting from erosion and landslides caused in whole or part by the development, based upon review of and concurrence with a critical area report prepared by a qualified professional.
  - a. Minimum Buffer.
    - i. At the base of a steep slope, the buffer shall be equal to one-half the height of the slope. The height of the slope shall be measured vertically from the toe to the top of the slope. For slopes less than 100 percent, the buffer shall be measured horizontally from the toe of the slope. For slopes greater than or equal to 100 percent, the buffer shall be measured horizontally from the projection of a 100-percent slope originating at the top of the slope.
    - ii. At the top of a steep slope, the buffer shall be equal to one-third the height of the slope. The height of the slope shall be measured vertically from the toe to the top of the slope. For slopes less than 100 percent, the buffer shall be measured horizontally from the top of the slope. For slopes greater than or equal to 100 percent, the buffer shall be measured horizontally from the projection of a 100-percent slope originating at the toe of the slope.
    - iii. The buffer may be reduced when a qualified professional demonstrates to the City's satisfaction that the reduction will not increase the risk to health and safety.
    - iv. The buffer may be increased where the Director determines a larger buffer is necessary to prevent risk of damage to proposed and existing development.
3. Development within erosion or landslide hazard areas and/or their buffers shall be designed to meet the following basic requirements unless it can be demonstrated that an alternative design that deviates from one or more of these standards provides equivalent or greater long-term slope stability while meeting all other provisions of these critical area regulations. The requirement for long-term slope stability shall exclude designs that require periodic maintenance or other actions to maintain their level of function. The basic development design standards are:
  - a. The proposed development shall not decrease the factor of safety for landslide occurrences below the limits of 1.5 for static conditions and 1.2 for dynamic conditions. Analysis of dynamic conditions shall be based on a minimum horizontal acceleration as established by the current version of the International Building Code;
  - b. Structures and improvements shall minimize alterations to the natural contour of the slope and foundations shall be tiered where possible to conform to existing topography;
  - c. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;
  - d. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;
  - e. The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes; and
  - f. Development shall be designed to minimize impervious lot coverage.
4. Unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited.

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5. Clearing shall be allowed only from May 1st to October 1st of each year; provided, that the City of Medina may extend or shorten the dry season on a case-by-case basis depending on actual weather conditions.
6. Utility lines and pipes shall be permitted in erosion and landslide hazard areas only when the applicant demonstrates that no other practical alternative is available. The line or pipe shall be located above ground and properly anchored and/or designed so that it will continue to function in the event of an underlying slide. Stormwater conveyance shall be allowed only through a high-density polyethylene pipe with fuse-welded joints, or similar product that is technically equal or superior.
7. Point discharges from surface water facilities and roof drains onto or upstream from erosion or landslide hazard area shall be prohibited except as follows:
  - a. Conveyed via continuous storm pipe down-slope to a point where there are no erosion hazards areas downstream from the discharge;
  - b. Discharged at flow durations matching pre-developed conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the pre-developed state; or
  - c. Dispersed discharge upslope of the steep slope onto a low-gradient undisturbed buffer demonstrated to be adequate to infiltrate all surface and stormwater runoff.
8. The division of land in erosion and landslide hazard areas and associated buffers is subject to the following:
  - a. Land that is located wholly within erosion or landslide hazard area or its buffer may not be subdivided. Land that is located partially within erosion or landslide hazard area or its buffer may be divided; provided, that each resulting lot has sufficient buildable area outside of, and will not affect, the erosion or landslide hazard or its buffer.
  - b. Access roads and utilities may be permitted within the erosion or landslide hazard area and associated buffers if the City of Medina determines that no other feasible alternative exists.
9. On-site sewage disposal systems, including drain fields and infiltration drainage systems, shall be prohibited within erosion and landslide hazard areas and related buffers.
10. New stabilization structures for existing primary residences shall be permitted within shoreline areas only where no alternatives (including relocation or reconstruction of existing structures) are feasible and less expensive than the proposed stabilization measure, and then only if no net loss of shoreline ecological functions will result.
11. Activities proposed to be located in seismic hazard areas shall meet the standards of MMC 20.67.080(H).

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### 20.67.090 Fish and Wildlife Habitat Conservation Areas

#### A. Fish and wildlife habitat conservation areas include:

1. Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association.
  - a. Federally designated endangered and threatened species are those fish and wildlife species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are in danger of extinction or are threatened to become endangered. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service should be consulted as necessary for current listing status.
  - b. State designated endangered, threatened, and sensitive species are those fish and wildlife species native to the state of Washington, identified by the State Department of Fish and Wildlife, that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. State designated endangered, threatened, and sensitive species are periodically recorded in WAC 232-12-014 (state endangered species), and WAC 232-12-011 (state threatened and sensitive species). The State Department of Fish and Wildlife maintains the most current listing and should be consulted as necessary for current listing status.
2. State Priority Habitats and Species. Priority habitats and species are considered to be priorities for conservation and management. Priority species require protective measures for their perpetuation due to their population status; sensitivity to habitat alteration; and/or recreational, commercial, or tribal importance. Priority habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. Priority habitats and species are identified by the State Department of Fish and Wildlife.
3. Habitats and Species of Local Importance. Habitats and species of local importance are those identified by the city as approved by the Medina City Council, including those that possess unusual or unique habitat warranting protection.
4. Naturally Occurring Ponds Under 20 Acres. Naturally occurring ponds are those ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds. Naturally occurring ponds do not include ponds deliberately designed and created from dry sites, such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds, and landscape amenities, unless such artificial ponds were intentionally created for mitigation.
5. Waters of the State. In the City of Medina, waters of the state include lakes, ponds, streams, inland waters, underground waters, and all other surface waters and watercourses within the jurisdiction of the State of Washington, as classified in WAC 222-16-031.
6. State Natural Area Preserves and Natural Resource Conservation Areas. Natural area preserves and natural resource conservation areas are defined, established, and managed by the State Department of Natural Resources.
7. Land found by the Medina City Council to be essential for preserving connections between habitat blocks and open spaces.

#### B. Water typing. Streams shall be designated in accordance with Table 20.67.090(B):

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**Table 20.67.090(B) Stream Water Type**

Water Typing	Designation Criteria
Type 1 Stream	Segments of streams that are at least seasonally utilized by fish for spawning, rearing or migration. Stream segments which are fish passable from Lake Washington are presumed to have at least seasonal fish use. Fish passage should be determined using the best professional judgment of a qualified professional.
Type 2 Stream	Perennial non fish-bearing streams. Perennial streams do not go dry any time during a year of normal rainfall. However, for the purpose of stream typing, Type 2 streams include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow. If the uppermost point of perennial flow cannot be identified with simple, nontechnical observations then the point of perennial flow should be determined using the best professional judgment of a qualified professional.
Type 3 Stream	Segments of natural waters that are not classified as Type 1 or 2 streams. These are seasonal, non fish-bearing streams in which surface flow is not present for a significant portion of a year of normal rainfall and are not located downstream from any Type 2 or higher stream.

### C. Mapping.

1. The approximate location and extent of habitat conservation areas are shown on the critical area maps adopted by the City of Medina, as most recently updated. The following critical area maps are hereby adopted:
  - a. Department of Fish and Wildlife Priority Habitat and Species Maps;
  - b. Department of Natural Resources, Official Water Type Reference Maps, as amended;
  - c. Anadromous and resident salmonid distribution maps contained in the Habitat Limiting Factors Reports published by the Washington Conservation Commission;
  - d. Department of Natural Resources State Natural Area Preserves and Natural Resource Conservation Area Maps; and
  - e. City of Medina official habitat maps.
2. These maps are to be used as a guide for the City of Medina, project applicants, and/or property owners. They are a reference and do not provide a final critical area designation.

### D. Initial fish and wildlife habitat assessment.

1. An applicant proposing development activities and uses located adjacent to or within fish and wildlife habitat conservation areas, which are defined in MMC 20.67.090(A), may have a written initial fish and wildlife habitat assessment prepared to investigate the presence and extent of regulated site-specific habitat within the project area prior to satisfying the requirements set forth in MMC 20.67.060(Critical Areas Report) and MMC 20.67.090 (Fish and Wildlife Habitat Conservation Areas).
2. The initial fish and wildlife habitat assessment is a preliminary investigation to determine the presence or absence of site-specific critical fish and wildlife habitat within the project area.
3. The initial fish and wildlife habitat assessment shall be prepared by a qualified professional and include the following content:

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- a. A description of the project area;
- b. Information documenting the investigation of the project area;
- c. Findings based on the investigation stating whether critical fish and wildlife habitat is present or absent within the project area (the presence of critical fish species alone does not constitute a site-specific critical fish and wildlife habitat); and
- d. Any suggested relevant recommendations or best management practices assuring compliance with this chapter.

The qualified professional may consult with the Director prior to or during the preparation of the assessment to determine if more or less information is necessary.

#### 4. Results of the initial fish and wildlife assessment:

- a. If the assessment shows the presence of site-specific critical fish and wildlife habitat within the project area, then the requirements set forth in MMC 20.67.060 and MMC 20.67.090 shall apply.
- b. If the assessment shows the absence of site-specific critical fish and wildlife habitat within the project area; then further analysis through the requirements set forth in MMC 20.67.060 and MMC 20.67.090 shall not be required. The shoreline master program standards set forth in Chapters 20.60 through 20.66 shall be followed.

#### E. Except where MMC 20.67.090(D)(4) In addition to the critical area report requirements prescribed in MMC 20.67.060, a habitat assessment shall be included. A habitat assessment is an investigation of the project area to evaluate the presence or absence of potential critical fish or wildlife habitat. The habitat assessment shall include the following site- and proposal-related information:

1. Identification of any species of local importance, priority species, or endangered, threatened, sensitive or candidate species that has a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species;
2. A discussion of any federal, state, or local special management recommendations, including Department of Fish and Wildlife habitat management recommendations that have been developed for species or habitats located on or adjacent to the project area;
3. A discussion of any ongoing management practices that will protect habitat after the project site has been developed, including any proposed monitoring and maintenance programs;
4. When appropriate due to the type of habitat or species present or the project area conditions, the Director may also require the habitat management plan to include:
  - a. An evaluation by the State Department of Fish and Wildlife, local Native American Indian tribe, or other qualified expert regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate; and/or
  - b. Detailed surface and subsurface hydrologic features both on and adjacent to the site.

#### F. Fish and wildlife habitat conservation areas – general development standards.

1. A habitat conservation area may be altered only if consistent with mitigation sequencing as prescribed in MMC 20.67.050(C) and the proposed alteration of the habitat or the mitigation proposed does not result in a net loss of shoreline ecological functions. All new structures and land alterations shall be prohibited within habitat conservation areas, except as allowed in accordance with this chapter.
2. Whenever activities are proposed in or adjacent to a habitat conservation area, except as outlined in MMC 20.67.090(D), which state or federally endangered or threatened species have a primary association, such area shall be protected through the application of measures in accordance with a critical area report prepared by a qualified professional and approved by the city, and guidance provided by the appropriate state and/or federal agencies.



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3. All activities, uses, and alterations proposed to be located in or within the established buffers of water bodies used by anadromous fish shall give special consideration to the preservation and enhancement of anadromous fish and fish habitat.
  4. Plant, wildlife, or fish species not indigenous to Western Washington State shall be excluded from habitat conservation areas unless authorized by a state or federal permit or approval.
  5. Mitigation sites shall be located to achieve contiguous wildlife habitat corridors in accordance with a mitigation plan that is part of an approved critical area report to minimize the isolating effects of development on habitat areas, so long as mitigation of aquatic habitat is located within the same aquatic ecosystem as the area disturbed.
  6. The Director shall condition approvals of activities allowed within or adjacent to a habitat conservation area or its buffers consistent with the mitigation sequencing set forth in MMC 20.67.050(C). Conditions may include, but are not limited to, the following:
    - a. Establishment of buffer zones;
    - b. Preservation of critically important vegetation;
    - c. Limitation of public access to the habitat area, including fencing to deter unauthorized access;
    - d. Seasonal restriction of construction activities;
    - e. Establishment of a duration and timetable for periodic review of mitigation activities; and
    - f. Requirement of a performance bond, when necessary, to ensure completion and success of proposed mitigation.
  7. Mitigation of alterations to habitat conservation areas shall achieve equivalent or superior shoreline ecological functions, and shall include mitigation for adverse impacts upstream or downstream of the development proposal site as appropriate. Mitigation shall address each function affected by the alteration to achieve functional equivalency or improvement on a per function basis. Mitigation should occur in the same sub-drainage basin as the habitat impacted.
  8. Any approval of alterations or impacts to a habitat conservation area shall be supported by the most current, accurate, and complete scientific and technical information available.
- G. Fish and wildlife habitat conservation area – buffers.
1. The Director shall require the establishment of buffer areas for activities in, or adjacent to, habitat conservation areas when needed to protect habitat conservation areas.
    - a. Buffers shall consist of an undisturbed area of native vegetation, or areas identified for restoration, established to protect the integrity, functions and values of the affected habitat.
    - b. Required buffer widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby.
    - c. As a general rule critical area buffers are not required along Lake Washington, except buffers may be required consistent with this section if a specific area within the lake is identified as a fish and wildlife habitat conservation area. The determination of a specific area being a fish and wildlife habitat conservation area shall be made on a site specific, case-by-case basis.
  2. The following standard buffers shall be established, measured outward on the horizontal plane from the ordinary high water mark or from the top of bank if the ordinary high water mark cannot be identified:

**Table 20.67.090(F)(2) Stream Buffers**

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Water Type	Standard Buffer Width	Minimum Buffer Width with Enhancement
Type 1 Stream	100 feet	50 feet
Type 2 Stream	75 feet	37.5 feet
Type 3 Stream	50 feet	25 feet

3. Reduction of Stream Buffer Widths. The Director may allow the standard buffer width to be reduced by up to the listed minimum buffer width in Table 20.67.090(F)(2) provided:
  - a. A critical area report and mitigation plan approved by the City, and the most current, accurate, and complete scientific and technical information available applied on a case-by-case basis determine that a smaller area is adequate to protect the habitat functions and values based on site-specific characteristics and the proposal will result in a net improvement of stream and buffer functions;
  - b. A plan for mitigating buffer-reduction impacts is prepared using selected incentive-based mitigation options in Table 20.67.090(F)(3);
  - c. Where a substantial portion of the remaining buffer is degraded, re-vegetation with native plants in the degraded portions shall be included in the remaining buffer area; and
  - d. A five year monitoring and maintenance plan shall be included.
- c. Incentive options may be accumulatively applied to allow a reduction allowance not to exceed 50 percent of the standard buffer width and Table 20.67.090(F)(2).
- d. Where multiple options for an action are prescribed in the Table 20.67.090(F)(3), only one option under that action may be applied.

**Table 20.67.090(F)(3) Stream Buffer Reduction Incentive Options**

Description of Action	Options	Reduction Allowance
Removal of Impervious Surface	Reduce impervious surfaces within the to-be-remaining buffer area by at least 50 percent	Up to 10 percentage points
	Remove all impervious surface where the to-be remaining buffer is presently more than 50 percent impervious	Up to 20 percentage points
Installation of bio-filtration/infiltration mechanisms	Install bioswales, created and/or enhanced wetlands, or ponds supplemental to existing storm drainage and water quality requirements	Up to 20 percentage points
Removal of invasive, nonnative vegetation	Remove and employ extended (minimum five-year) monitoring and continued-removal maintenance of relatively dense stands of invasive, nonnative vegetation from significant portions of the remaining buffer area	Up to 10 percentage points
In-stream habitat enhancement	Placement of log structure, bioengineered bank stabilization, or culvert removal;	Up to 20 percentage points
	Improve fish passage and/or creation of side channel or backwater areas.	Up to 25 percentage points

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Installation of oil/water separators	If not required by other provisions of the Medina Municipal Code, install oil/water separator for stormwater quality control	Up to 10 percentage points
Use of pervious materials	Use pervious materials for driveway/ road construction	Up to 10 percentage points
Off-site restoration, if no on-site area is possible	Restoration is provided at a 2:1 ratio or greater	Up to 10 percentage points
	Restoration is provided at a 4:1 ratio or greater	Up to 20 percentage points
Remove toxic material	Remove significant refuse or sources of toxic material	Up to 10 percentage points

4. Averaging of Stream Buffer Widths. The Director may allow the standard stream buffer width to be averaged in accordance with a critical area report if:
  - a. The proposal will result in a net improvement of stream, habitat and buffer function;
  - b. The proposal will include re-vegetation of the averaged buffer using native plants, if needed;
  - c. The total area contained in the buffer of each stream on the development proposal site is not decreased; and
  - d. The standard stream buffer width is not reduced by more than 50 percent or to less than 25 feet wide, whichever is greater, in any one location.

### H. Signs and Fencing.

1. The outer perimeter of the habitat conservation area or buffer and the limits of those areas to be disturbed pursuant to an approved permit or authorization shall be marked in the field in such a way as to ensure that no unauthorized disturbance will occur, and verified by the Director prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction, and shall not be removed until permanent signs, if required, are in place.
2. As a condition of any permit or authorization issued pursuant to this chapter, the Director may require an applicant to install permanent signs along the boundary of a habitat conservation area or buffer. Permanent signs shall be made of a metal face and attached to a metal post, or another material of equal durability. Signs must be posted at an interval of one per lot or every 50 feet, whichever is less, and must be maintained by the property owner in perpetuity. The sign shall be worded as follows or with alternative language approved by the city manager or designee:

Habitat Conservation Area  
Do Not Disturb  
Contact City of Medina Regarding Uses and Restriction  
Fencing

3. The city manager or designee may condition any permit or authorization issued pursuant to this chapter to require the applicant to install a permanent fence at the edge of the habitat conservation area or buffer, when fencing may prevent future impacts to the habitat conservation area.

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- 1 4. Fencing installed as part of a proposed activity or as required in this subsection shall be  
2 designed so as to minimize interference with species migration, including fish runs, and  
3 shall be constructed in a manner that minimizes habitat impacts.
- 4 5. The subdivision and short subdivision of land in fish and wildlife habitat conservation areas  
5 and associated buffers is subject to the following:
  - 6 a. Land that is located wholly within a habitat conservation area or its buffer may not be  
7 subdivided.
  - 8 b. Land that is located partially within a habitat conservation area or its buffer may be  
9 divided; provided, that an accessible and contiguous portion of each new lot is located  
10 outside of the habitat conservation area or its buffer and meets the City of Medina's  
11 minimum lot size requirements.
  - 12 c. Access roads and utilities serving the proposed lots may be permitted within the habitat  
13 conservation area and associated buffers only if the City of Medina determines that no  
14 other feasible alternative exists and when consistent with these critical areas  
15 regulations.
  - 16